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Ensuring Accessible and Equal Justice

The Judicial Council of California oversees the largest judicial system in the nation. In fiscal year 1995–96, our state’s court system reported more than 9 million filings. The Judicial Council’s role is that of central planner, policymaker, and advocate for the state courts. The council is committed to finding solutions to the problems that affect our courts.

The Judicial Council has launched numerous programs and reforms to make courts fully accessible to all residents of the state and to enhance the delivery of justice through more efficient court administration. Despite fewer resources in the face of greater demands, California’s courts—with assistance from the Judicial Council and its staff agency, the Administrative Office of the Courts—are responding with innovative programs to meet funding shortages and workload challenges.

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For the past two decades, the Judicial Council has vigorously pursued the goal of complete state funding for the trial courts. With enactment of the Lockyer-Isenberg Trial Court Funding Act of 1997, the state has recognized its essential responsibility to ensure that there is equal access to justice statewide. Now that a secure and stable funding source has been established, the courts can better focus on other statewide needs, such as technology and modernization, to improve court administration. In 1998 and beyond, the Judicial Council is continuing its work to ensure access, fairness, and diversity; improve public service; and consolidate and streamline court operations.

Improving Access, Fairness, and Diversity

To perform their judicial function, our courts must be accessible to all citizens. Issues of fairness and the eradication of bias based on gender, race, ethnicity, disability, or sexual orientation are of concern to the courts in our diverse and ever-changing state.

The Judicial Council is committed to eliminating barriers that obstruct equal access to the courts. In the council's long-range strategic plan (*see page 86*), improving access, fairness, and diversity in the judicial system is targeted as one of the council's primary goals. The council's Access and Fairness Advisory Committee, appointed in 1994, is charged with monitoring issues related to access and fairness in the state judicial system, consistent with the council's long-range goals.

The advisory committee is organized into five subcommittees that address the following issues: racial and ethnic bias, gender fairness, access for persons with disabilities, sexual orientation fairness, as well as education and implementation. The advisory committee completed a number of significant projects in 1996–97 and is hard at work on additional projects in 1997–98.

RACIAL AND ETHNIC FAIRNESS

California is probably the most racially and ethnically diverse state in the country. More than 200 different languages or dialects are spoken in our state, and this number is expected to increase, primarily because of immigration.

The Judicial Council's concern about access and fairness has evolved, in part, from the realization that the state's demographic profile has changed dramatically in the past two decades and will continue to change.

The following demographic projections from 1995 to the year 2025, provided by the California Department of Finance, illustrate our state's unique situation: The African-American population is expected to grow from 2.4 to 3.3 million people; the state will gain more than 6 million people of Asian or Pacific Islander descent; and the Hispanic population will experience the greatest increase—expanding from 9 million in 1995 to more than 22 million by the year 2025.*

In 1996–97, the Access and Fairness Advisory Committee's final report on racial and ethnic bias was distributed to court personnel, and that committee completed phase I implementation of the recommendations of the Advisory Committee on Racial and Ethnic Bias in the Courts (which has been made a subcommittee of the Access and Fairness Advisory Committee). In addition, at its August 1997 meeting, the council approved phase II of the advisory committee's implementation plan for the recommendations contained in the racial and ethnic bias report. The council has directed the advisory committee to proceed with those implementation goals that are expected to be completed by the end of fiscal year 1998–99.

GENDER FAIRNESS

In 1996–97, the Access and Fairness Advisory Committee distributed the following material to judges and court staff statewide: a 16-page booklet with guidelines on avoiding even the appearance of gender bias, an implementation report on the gender bias recommendations, and the final gender bias report. In addition, many of the gender fairness proposals previously adopted by the Judicial Council were implemented. In 1997–98, the advisory committee is developing further implementation strategies to complete the work begun by the Gender Bias Advisory Committee, now known as the Gender Fairness Subcommittee.

* As of April 1, 1998, the California Department of Finance is in the process of revising their long-term population projections. Therefore, the statistics cited are subject to change.



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ACCESS FOR PEOPLE WITH DISABILITIES

In 1996–97, the Access and Fairness Advisory Committee promulgated a model rule of court relating to access to the courts for people with disabilities, conducted written and telephonic surveys concerning this issue, and distributed a question-and-answer newsletter on the model rule to court personnel. Two reports on access to the courts for people with disabilities were also distributed to court personnel statewide.

In 1996–97, the advisory committee completed an educational video developed by the committee's Education and Implementation Subcommittee to sensitize court officials about barriers to court access faced by people with disabilities. The committee also completed phase I implementation of the recommendations of the Access for Persons with Disabilities Subcommittee. At its August 1997 meeting, the council approved phase II of the subcommittee's implementation plan for these recommendations and directed the committee to proceed with implementation by the end of the 1998–99 fiscal year.



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Fairness Education

In a May 1997 letter, Chief Justice George asked the presiding justices and judges in California to lead efforts in fairness education for their colleagues and staff. "As the institution expressly charged with rendering justice," the Chief Justice stated, "it is important that we serve as a model for fairness in every facet of our operations."

The Chief Justice specifically asked the presiding judges to offer broad-based courses on fairness issues related to race, ethnicity, gender, persons with disabilities, and sexual orientation, making them available to all judges by June 30, 1998, and to all court employees by the end of 1999. The Chief Justice also asked the judges to take advantage of the resources available through the Judicial Council's Administrative Office of the Courts and to take the opportunity to identify and establish plans to address the needs of the people served by individual courts.

California's court system has an unparalleled record of developing and promoting judicial fairness education. Developed by the Center for Judicial Education and Research (CJER; *see sidebar, next page*), fairness education programs (first offered in 1981) have served as models for judicial education programs nationwide. During the past five years, nearly half of all state court judges have participated in courses incorporating diversity themes. All new judges are required to participate in fairness education; in addition, all judges principally assigned to family law matters attend programs that contain gender fairness components. Besides courses addressing racial, ethnic, and gender fairness issues, a new, single-focus curriculum pertaining to the Americans with Disabilities Act (ADA) is scheduled for completion in June 1998.



In 1997–98, the advisory committee is continuing to collect resource material on the Americans with Disabilities Act (ADA) through a variety of sources. A court survey on ADA compliance is under development.

On an ongoing basis, the advisory committee works to identify barriers to full participation in the justice system for people with disabilities and to ascertain what accommodations, beyond those already in place, may be necessary. Educational programs are critical to the committee's efforts because they can serve to change the attitudes and behavior of judges, court personnel, and members of the bar that interfere with disabled individuals' capacity to obtain and achieve access to justice, fair treatment, and full participation in the justice system.

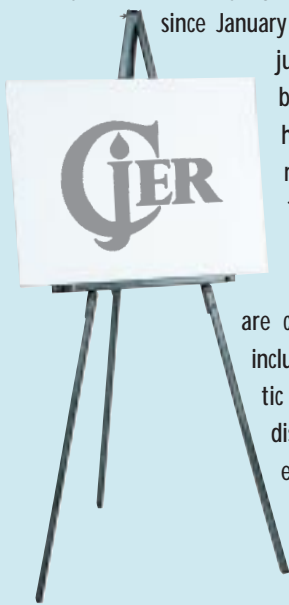
Continuing Education for Courts

The Education Division of the Administrative Office of the Courts (AOC) was formed in 1994 with the merger of the Center for Judicial Education and Research (CJER—a joint enterprise of the Judicial Council and the California Judges Association) and the Administrative Education Unit of the AOC. Together they constitute the educational branch of California's judicial system. The Administrative Education Unit's efforts concentrate on judicial branch staff education and training; CJER's efforts concentrate on judicial education.

Judges need continuous training in complex areas of the law to keep abreast of the new issues brought before them for resolution. The Judicial Council has developed an internationally recognized judicial education program. CJER offers comprehensive training for state judicial officers. Each year, CJER also hosts programs for judges from more than 50 visiting countries. About one-third of all sitting judges in California participate as planners or faculty for judicial education programs on a pro bono basis.

Judicial education has been mandatory for newly appointed trial judges and appellate justices

since January 1, 1996. In addition, judicial education has been required for judges handling family law matters since January 1, 1992. CJER also provides education on cutting-edge social issues that are critical to the courts, including diversity, domestic violence, alternative dispute resolution (ADR), environmental quality, and the handling of cases involving alcohol and/or drugs.



SEXUAL ORIENTATION FAIRNESS

In 1996–97, the advisory committee conducted focus groups to examine the issue of bias and sexual orientation. In addition, the committee, in conjunction with the Center for Judicial Education and Research (*see sidebar, at left*), worked on a pilot curriculum on sexual orientation fairness. In 1997–98, the advisory committee is developing a survey to assess the perceptions of the gay and lesbian communities, court personnel, and the general public concerning sexual orientation and access to justice.

ACCESS FOR LOW-INCOME RESIDENTS

Equal access to justice is at risk if poor and low-income Californians are unable to obtain the legal representation they need but cannot afford. In 1996, the Judicial Council adopted a resolution endorsing a joint pro bono (i.e., legal services performed free of charge) effort with the State Bar to broaden access to the courts for the growing numbers of poor and low-income people in California. In 1997–98, this pro bono project is advising the bench and the bar on representation for the indigent in our state.

OTHER PROJECTS

In 1996–97, the Access and Fairness Advisory Committee drafted standards of judicial administration on fairness and access. The committee also conducted roundtable meetings on gender fairness, court security, and legal issues affecting Native Americans. In 1997–98, the advisory committee is examining court security and will prepare recommendations for the council. The committee is also developing its second demographic survey of the court system.

EDUCATIONAL PROGRAMS

In 1996–97, in conjunction with the Center for Judicial Education and Research (CJER; *see “Continuing Education for Courts,” at left*), the Access and Fairness Advisory Committee worked on a pilot curriculum on sexual orientation fairness and on preventing sexual harassment. In addition, under the auspices of the State Justice Institute, the committee worked with the National Judicial Education Project, CJER staff, and the Georgia Fairness Commission to develop a pilot curriculum on women of color and the justice system.

In 1997–98, the committee is working closely with CJER to help initiate, improve, and strengthen educational programs on diversity, including cultural awareness to enhance interaction with and appreciation of different cultures; gender fairness; sexual orientation fairness; and barriers to access and fairness for persons with disabilities. (*See also “Fairness Education,” previous page.*)

INTERPRETERS

California, the nation's largest immigrant state, currently has 1,055 certified court interpreters. While the pool of certified court interpreters has increased over the past few years, there is still a critical need for interpreters in many areas of the state. Non-English-speaking and limited-English-speaking individuals cannot obtain the services they need in court from qualified interpreters, particularly in rural counties. Ultimately, because of language barriers, these people may not be properly represented in court, resulting in the denial of equal access to justice.

Legislation sponsored by the Judicial Council gave the council responsibility for certification and regulation of court interpreters effective January 1, 1993. This legislation also provided for a Court Interpreters Advisory Panel to assist the council in implementing a comprehensive program to improve interpreting services in the courts. The program provides for interpreter recruitment, training, testing, certification renewal, and continuing education.

Since 1993, the Judicial Council provisionally designated Cooperative Personnel Services (CPS) to administer court certification exams, thereby adding 281 certified court interpreters to the pool in California. In 1996, 43 new interpreters passed the certification exam. In 1996, the advisory panel also held two successful conferences on interpreter issues for more than 130 court executive officers, administrators, and interpreter coordinators, and offered several orientation and professional ethics workshops to court interpreters throughout the state.

In 1997, the Judicial Council approved the Court Interpreters Advisory Panel's recommendation to continue provisional designation of CPS to administer certification and English fluency exams for the state. Additionally, the advisory panel circulated for public comment several new rules of court in the areas of interpreted proceedings and professional conduct for court interpreters; completed and approved an outreach and recruitment plan for interpreters; and conducted studies to

determine if additional languages require the development of new certification exams. At the Judicial Council's August 1997 meeting, a collaboration was approved between the Court Interpreter Advisory Panel and the Court Technology Advisory Committee to investigate the possibility of a pilot project for interpreting via video.

The activities listed below have been targeted for special focus in fiscal year 1998–99. With enactment of the Trial Court Funding Act of 1997 (*see Special Trial Court Funding Report*), the Judicial Council is implementing a state-funded interpreters program. Additionally, in accordance with the council's action plan, the interpreters advisory panel and AOC staff will undertake a study to:

1. Address the needs of rural courts by investigating the feasibility of regional delivery of court interpreter services;
2. Examine the standardization and possible increase of interpreter per diem fees in California to provide equitable compensation statewide;
3. Assess the need for expanding the pool of certification exams in other languages for court interpreters;
4. Analyze the feasibility of offering interpreter services in audio/visual formats such as multilingual, self-help kiosks; and
5. Develop a manual on model signage in multiple languages for use by the courts.



Focusing on Family-Related Cases

Family-related cases—those involving child custody, support, dependency, juvenile delinquency, and domestic violence—are among the most difficult cases brought for resolution to the courts.

Meeting the needs of families and children is a priority for the Judicial Council. In May 1997, the council adopted its long-range strategic plan for the courts (*see page 86*). As part of its goal to improve access, fairness, and diversity in the judicial system, the council is committed to conducting a comprehensive program at all court levels to improve proceedings that affect families.



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FAMILY AND JUVENILE LAW ADVISORY COMMITTEE PROGRAMS

The Judicial Council's Family and Juvenile Law Advisory Committee directed a number of vital programs during 1996 and 1997, including those discussed below.

Juvenile Court Improvement Project

In 1997, the Judicial Council's Family and Juvenile Law Advisory Committee completed the two-year assessment phase of its Juvenile Court Improvement Project. The goal of this project is to assess statewide court practices and procedures that relate to children and the state's child welfare and juvenile justice systems. Special focus is placed on abused and neglected children who are placed out of home (*see also Chapter 2, "Juvenile Dependency"*). The council's objective is to determine how the court system can improve the handling of these sensitive cases.

In April 1997, the *Court Improvement Project Report* was produced. This report contains 27 recommendations for improving the way child abuse and neglect, or dependency, cases are processed in the courts. An implementation plan for these recommendations was adopted by the council at its October 1997 meeting. The Administrative Office of the Courts is currently executing the plan.

The Juvenile Court Improvement Project got a boost at the 1997 "Beyond the Bench" conference (*see below*.)

"Beyond the Bench" conferences

With a theme of "Permanency for Children—Fulfilling the Promise," the *eighth* annual "Beyond the Bench" conference was held December 12 and 13, 1996, in San Francisco. More than 450 attendees—juvenile and family court judges as well as state and local child welfare professionals—obtained new information and expertise in the area of improved child welfare systems.

The *ninth* annual "Beyond the Bench" conference was held December 10 through 12, 1997, in San Francisco. Chief Justice George, who spoke at the 1997 conference, invited the presiding judges of all California's superior and consolidated courts in each of the state's 58 counties to attend the conference.



Five hundred of California's juvenile court judges, court administrators, child welfare professionals, and community leaders, including representatives of the Hoopa, Washoe, and Karuk Tribes met to focus on improving juvenile dependency courts, which adjudicate cases involving child abuse and neglect. Through a series of workshops,

conference attendees learned more about topics of mutual interest to juvenile courts and children's services, such as risk assessment in child welfare cases; immigrant children and their families; children, the courts, and the Internet; drug courts; and court-appointed attorneys.

The 1997 "Beyond the Bench" conference gave a jump start to the Judicial Council's Juvenile Court Improvement Project (*see previous page*), which was the driving force behind the 1997 conference. Teams made up of juvenile court judges, child welfare directors, community leaders, and other experts from each court system were brought together to address court improvement on a comprehensive basis.

The teams also worked to develop their own local court improvement action plans using information obtained from the assessment phase of the Juvenile Court Improvement Project.

The "Beyond the Bench" conferences are rooted in federal legislation enacted in 1980 (Pub.L. 96-272), which instructs states and courts on delivery and oversight of services to families and children. This legislation continues to have a major effect on policies that affect families and the courts, especially amid welfare reform and the federal government's directive to double the number of children moved from foster care to adoption over the next six years.

Court-Appointed Special Advocate (CASA) Grant Program

CASA programs in California, as in other states, are dedicated to fostering volunteer advocacy for children. These programs provide a model of how new approaches can reap important benefits. CASA programs recruit, screen, train, supervise, and support lay volunteers who provide much-needed assistance both to abused and neglected children and to the courts during the long, and often confusing, dependency process (*see Chapter 2, page 35*). CASA volunteers work with a particular child and report back to the court concerning



any elements of the treatment plan that have not been effectuated, what the child needs, and what positive experiences the child is having.

The CASA grant program administered by the Judicial Council is designed to provide funding and guidance to CASA programs throughout the state. In 1996, the council approved grants totaling \$300,000 to four new and 22 existing CASA programs in California.

Recommendation No. 21 in the 1997 *Court Improvement Project Report* (*see previous page*) states that the use of CASAs should be expanded, and that juvenile courts should continue to advocate for adequate funding to ensure high quality CASA staff and volunteer representatives.

Child Advocacy Training (CAT) Project

The Judicial Council's CAT project assists courts in the development of training curricula and programs for court-appointed attorneys who represent children, especially child victims, in juvenile dependency, adoption, family law, and related proceedings. This program—established by the council with funding from the Office of Criminal Justice Planning—has trained over 2,300 attorneys in all 58 counties in California.

Judicial Review and Technical Assistance (JRTA) Project

The Judicial Council's JRTA project, funded by the State Department of Social Services, reviews existing juvenile court procedures, processes, and documentation in all 58 counties in California; compares those court practices with federal requirements; and provides technical assistance when appropriate. The JRTA team also returns for follow-up visits to determine if the technical assistance provided was adequate and whether further assistance is necessary. Visits to every juvenile court in California as well as evaluations of juvenile court procedures have been completed; periodic site visits are continuing on an ongoing basis.

In addition, with assistance from the Child Welfare Research Center at the University of California, Berkeley, the JRTA team is collecting information for four studies on juvenile dependency court: the Continuance Study, the Reasonable Efforts/Petitions Study, the Reasonable Services Study, and the Permanency Study.



OTHER MEASURES TO ASSIST FAMILIES

Child Support Commissioner and Family Law Facilitator Program (Assem. Bill 1058)

Along with other members of the Governor's Task Force on Child Support, the Judicial Council's Family and Juvenile Law Advisory Committee worked for legislation to implement a recently established federal program (Title IV-D) that provides funding to the states to improve the collection of child support. These efforts contributed to achieving the passage of Assembly Bill 1058 (*see Chapter 2, page 39*). This new law provides an expedited process in the courts that is accessible and cost-effective to families involved in child support cases.

The most significant aspect of this law is its establishment of the Child Support Commissioner and Family Law Facilitator program, which is a major effort by California to provide guidance to families involved in child support cases being enforced by the district attorney. The Judicial Council is responsible for administering this program, adopting rules and forms, adopting minimum standards for the Office of the Family Law Facilitator, and undertaking other actions to ensure successful implementation of the program (e.g., establishing minimum educational and training requirements for the commissioners and other court personnel, and serving as a clearinghouse where facilitators and commissioners can obtain information).



In September 1997, the Judicial Council held a comprehensive, three-day training workshop on Title IV-D and AB 1058 for child support commissioners and family law facilitators.

Pro Per Center Pilot Program

This program is one of the Judicial Council's initiatives to improve access for self-represented (pro per) litigants (*see Chapter 2, page 40*). In June 1997, the Administrative Office of the Courts contracted with trial courts in five counties to develop pilot programs in fiscal year 1997–98 to establish or enhance pro per centers in their counties. The contracts provide each of the five counties with a \$25,000 one-year seed grant to develop materials that will assist other courts throughout the state in implementing similar programs. (*For a full discussion of this program, see Chapter 2, "Helping Courts and Families Cope," page 39.*)

Family Violence Prevention Conferences

The third Judicial Council-sponsored Family Violence and the Courts statewide conference was held in January 1997 (*see Chapter 2, page 34*). More than 350 representatives from 45 counties exchanged ideas on how to address family violence cases more effectively and learned about how the latest efforts could assist them. Nearly all 58 counties have formed family violence prevention coordinating councils—one of the most important goals of the 1994 inaugural conference—which will lead the court communities in coordinated response to this serious problem.

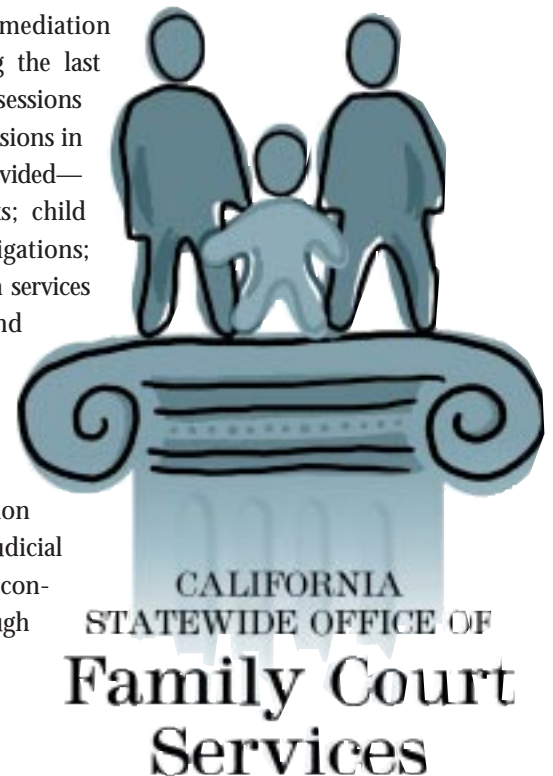
The fourth council-sponsored family violence conference was held in February 1998. Panels and workshops were conducted on such issues as the impact of family violence on children, stalking, probation's response to family violence, batterer intervention programs, and legislative and case law updates. In addition, local family violence prevention coordinating councils reported on their activities.

FAMILY COURT SERVICES

The Judicial Council's Statewide Office of Family Court Services (FCS) assists in the coordination of child custody mediation and family conciliation services in family courts throughout California (*see Chapter 2, "Families in Child Custody Mediation," page 41*). FCS provides services to superior courts in the following six areas: (1) implementation of mandatory mediation and other family law programs; (2) support to programs offering special services in cases involving violence, substance abuse, child abuse or neglect; (3) evaluation of court-based mediation programs; (4) uniform statistical reporting in mediation and other family court service matters; (5) continuing education and training of court counselors, mediators, evaluators, arbitrators/special masters, and other family court service personnel; and (6) administration of grants for research and court programs. Through these services, FCS aims to help families with custody and support disputes reach negotiated settlements.

The annual child custody mediation caseload has skyrocketed during the last decade—from 49,500 mediation sessions in 1987 to an estimated 84,000 sessions in 1996. Instances of other services provided—including emergency assessments; child custody evaluations and investigations; and alternative dispute resolution services in guardianship, dependency, and conservatorship cases—totaled 18,500 in 1996.

In addition, FCS provided more than 5,700 group sessions for parent orientation and education in 1996. FCS also provides nonjudicial court staff with 20 to 30 hours of continuing education each year through intensive statewide institutes and regional programs.



Web Site Wins Top Rating

According to Lycos, the nation's oldest and most prestigious Web site directory, the Judicial Branch of California Web site is "something the California legal system can be proud of. ..." Lycos has ranked the judicial branch site (www.courtinfo.ca.gov) among the top 5 percent of all state and local government Web sites in the United States. In overall rating, which combines content and design, the judicial branch Web site placed fourth among the top 25 sites during the first week of February 1998. According to Lycos, "the site's depth is impressive, especially in the myriad of documents—including everything from the California Rules of Court to a complete collection of the Judicial Council Legal Forms—available in Word and Acrobat. The reference shelf contains most everything you'd want to know about California law. ... Same-day opinions from a bevy of courts make for a strong, deep site."

Improving Public Access and Service

The Judicial Council is committed to improving both the public's access to the courts and the courts' service to the public. The council is actively working to enhance access and service through technology, community outreach, and improvements to the jury system.

ENHANCING ACCESS AND SERVICE THROUGH TECHNOLOGY

In 1996, the Court Technology Advisory Committee drafted a rule of court on access to courts' electronic records, which was circulated for public comment in early 1997. The rule encompasses standards for public access and access fees. In light of the comments received—particularly with respect to privacy concerns and administrative issues—the advisory committee is reconsidering the original proposal, and a revised version of the rule will be circulated for comment in 1998.

Numerous technological advances to enhance public service and access to both the trial and appellate courts through the Internet and World Wide Web were achieved in 1996 and 1997, and many additional projects are under way. For example:

- In February 1996, a judicial branch Web site was implemented: www.courtinfo.ca.gov. The site contains information about the California court system and provides appellate court opinions. The judicial branch Web site also serves as a point of access to California trial courts that have their own Web sites (*see next page for a listing of court Web sites*). The links to California trial courts are provided at: www.courtinfo.ca.gov/trialcourts/ (choose "Other Web Sites" from the menu options).

- In February 1996, the California Supreme Court was the first appellate court to launch a Web site. This link between the high court and the bench, the bar, and the public provides access to information concerning membership and qualifi-

cations, original jurisdiction and authority, practices and procedures, policies and guidelines for automatic appeals, forthcoming filings, the court's oral argument calendar, and weekly summaries of cases accepted for review by the Supreme Court.

- As of October 1996, the redesigned Web site also contains the full text of "slip opinions"* of the California Supreme Court and Courts of Appeal that have been certified or ordered published. Whenever possible, Supreme Court opinions are accessible from the Web site immediately after release, and decisions of the Courts of Appeal are available within hours after release. There is no charge for these publication services.

- In 1997, the calendars of the California Supreme Court and the Court of Appeal for the Fourth Appellate District, Division One (San Diego) became available on the judicial branch Web site. Minutes also are posted for these courts as well as for the Second (Los Angeles), Fourth (San Diego), and Fifth (Fresno) appellate districts. Plans are under way to post the minutes and calendars of other Courts of Appeal as well.

- In 1997, all the rules of court and all Judicial Council forms became available on the judicial branch Web site.

- In 1997, the Third Appellate District (Sacramento) and the Fourth Appellate District, Division One (San Diego) became the first Courts of Appeal to launch Web sites, and a Web site for the First Appellate District (San Francisco) was launched in January 1998. (*See next page.*) A Web site for the Fifth Appellate District (Fresno) is expected in the Spring of 1998.

- In 1997, the First District Court of Appeal (San Francisco) provided a direct Internet link for the public with its e-mail address: first_district@jud.ca.gov. This electronic address is offered as a means of transmitting messages only and not as an alternative to accepted filing procedures.

* "Slip opinions" are opinions of the court "as filed" that have not been enhanced and edited for publication in the *California Official Reports* and may not yet be final.

■ A cooperative initiative between the trial courts and the Judicial Council's Administrative Office of the Courts (AOC) is under way to provide small claims information electronically. The AOC is working with the Small Claims Advisor for

the San Mateo County courts and the Small Claims Advisors Association to incorporate court-specific information on small claims courts into the California Courts Web site.

State Courts Accessible on the World Wide Web

Many courts throughout the state have launched Web sites, offering easy public access to valuable information. As an additional service to the public, the First District Court of Appeal (San Francisco) has provided a direct link for people to contact the clerk's office by e-mail: first_district@jud.ca.gov.

The judicial branch Web site (www.courtinfo.ca.gov), which contains information about the California court system and provides appellate court opinions, serves as a point of access to California trial courts that have their own Web sites.

To date, the following state courts have Web sites:

Appellate Courts

CALIFORNIA SUPREME COURT: www.courtinfo.ca.gov/supremecourt/

COURTS OF APPEAL

First Appellate District (San Francisco): www.courtinfo.ca.gov/courtsofappeal/1stdistrict/

Third Appellate District (Sacramento): www.courtinfo.ca.gov/courtsofappeal/3rddistrict/index.htm

Fourth Appellate District, Division One (San Diego): www.courtinfo.ca.gov/courtsofappeal/4thDistrictDiv1/

Note: The Fifth District Court of Appeal (Fresno) is expected to have a Web site in the Spring of 1998.



Trial Courts

Links to the trial courts listed below are provided at: www.courtinfo.ca.gov/trialcourts/. Choose "Other Web Sites" from the menu options.

Alameda County Superior Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/court.htm

Alameda Municipal Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courta.htm

Berkeley Municipal Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/court.htm

Burbank Municipal Court: www.courts.org/

Citrus Municipal Court: www.co.la.ca.us/courts/citrus/

El Cajon Municipal Court: www.co.san-diego.ca.us

Fremont Municipal Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courtf.htm

Livermore-Pleasanton Municipal Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/court.htm

Los Angeles County Superior Court: www.co.la.ca.us/courts/superior-auc
Los Angeles Municipal Court: www.lamuni.org

Marin County Municipal Court: www.marin.org/mc/courts/
Marin County Superior Court: www.marin.org/mc/courts/

Oakland-Piedmont Municipal Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courto.htm

Trial Courts on the Web, *continued*

Orange County Superior Court: www.oc.ca.gov/superior/

Placer County Consolidated Courts: www.placer.ca.gov/courts/

Riverside Superior and Municipal Courts: www.co.riverside.ca.us/depts/courts/

Sacramento Superior and Municipal Courts: www.sna.com/courts/

San Diego Municipal Court: www.co.sandiego.ca.us/cnty/cntydepts/law/municipal_courts/

San Diego Superior Court:
www.co.san-diego.ca.us/cnty/cntydepts/law/superior_court/

San Francisco Trial Courts: www.ci.sf.ca.us/courts/index.htm

San Joaquin County Superior Court: www.stocktonet.com/courts

San Leandro-Hayward Municipal Court: www.abag.ca.gov/abag/local_gov/city/client/alameda-county/courth.htm

San Luis Obispo Superior and Municipal Court:
www.callamer.com/~slosc/court1.htm

San Mateo County Superior and Municipal Courts, Central Branch:
www.first-webmaster.com/central/

Santa Cruz County Superior and Municipal Courts:
www.co.santa-cruz.ca.us/crt/courts.htm

South Orange County Municipal Court: www.oc.ca.gov/southcourt/

Stanislaus County Superior and Municipal Courts:
www.co.stanislaus.ca.us/courts/

Ventura Superior and Municipal Courts:
www.ventura.org/courts/vencrts.htm

COMMUNITY OUTREACH

To enhance court access and increase the courts' responsiveness to the public, the Judicial Council's long-range strategic plan (*see page 86*) calls for the state judiciary to "increase public trust and understanding by emphasizing community outreach and education about the court system." Consistent with this policy direction, Chief Justice George appointed the Special Task Force on Court/Community Outreach in April 1997 to lead the council's efforts to encourage increased collaboration between the courts and their communities so that the public can have an effective means of participating in the governance and planning of the courts.

This special task force, a group of 26 individuals with diverse backgrounds and professional experience from communities and organizations across the state, is working to determine how courts can reach out to the communities and become more accessible to the public. To accomplish this, the task force is studying effective court/community outreach efforts already under way in California and around the nation. Among other goals, the task force is also working to identify areas of need and to identify agencies or groups that can join the courts in collaborative community outreach programs.

Outreach efforts under consideration include programs to improve court practices (e.g., citizens' advisory committees and teen courts), programs to improve public access (e.g., day-care facilities, information kiosks, and Web sites), as well as programs to increase public knowledge about the courts (e.g., courthouse tours, citizen guides, and public service announcements).

The task force is expected to present its final report to the Judicial Council, including a resource handbook on court/community outreach programs, in the Summer of 1998. The task force is also expected to oversee training workshops for court personnel in the Fall of 1998.

Community outreach efforts will get a boost at California's first Statewide Community-Focused Court Planning Conference, May 13–15, 1998, in Long Beach (*see also page 87*). This conference, sponsored by the Judicial Council, offers a unique opportunity for diverse teams from each county in the state—comprised of leaders from the judiciary, local bar, local government, and local community representatives—to focus on local court action planning with an emphasis on community involvement. The goal of the conference is to provide team members with skills to initiate, implement, and institutionalize community-focused court planning in their home communities.

Chief Justice's Outreach Efforts

By August 1997, Chief Justice George fulfilled his pledge made shortly after taking office (on May 1, 1996) to visit the trial and appellate courts in all of California's 58 counties, adding two tribal courts to the list. According to court officials, this was the first time that a California Chief Justice embarked on such a comprehensive tour of the state's judicial system. The Chief Justice's visits spanned the state, including two-judge courts in counties such as Alpine with a population under 1,100 as well as sprawling metropolitan areas such as Los Angeles with over 400 judges.

At each court location, the Chief Justice listened to judges, court officials, and court support staff; gathered ideas and suggestions for maintaining and improving the justice system; and checked on the conditions of each court's facilities. He described these visits as an "invigorating and inspiring experience."

STABLE FUNDING CITED AS MOST CRITICAL ISSUE FACING TRIAL COURTS

Throughout his court visits, the Chief Justice indicated that the lack of stable, reliable funding was the single most pervasive problem facing the California trial courts. The Chief Justice witnessed firsthand the dramatic impact that inadequate funding has had on courts' ability to provide effective services to the public. In his second annual State of the Judiciary Address delivered to the State Bar in September 1997, the Chief Justice stated, "At courthouse after courthouse, I heard stories of woefully inadequate facilities, insufficient staff, unavailable interpreter services, and antiquated information processing systems incapable of meeting current court needs."

Despite fewer resources in the face of increased workload demands, the Chief Justice was impressed with the courts' creativity and dedication in developing and implementing programs that maximized services utilizing existing resources. The Lockyer-Isenberg Trial Court Funding Act of 1997, effective January 1, 1998, will go a

long way toward meeting the critical needs of the courts and will enable them to dramatically improve public services (see *Special Trial Court Funding Report*).

OUTREACH CAMPAIGN CONTINUES

While the Chief Justice's initial tour of the counties has been completed, he plans to continue making periodic visits to the state courts. He is committed to continuing his efforts to reach out to the courts and the communities that they serve to stay in close contact with their needs and concerns.

Other members of the Judicial Council have begun making visits to the courts as well. These visits are being made to increase council members' knowledge of the courts' needs and priorities and to enhance the council's ability to make informed policy decisions on behalf of the judicial branch. This outreach effort is the first of its kind in the council's 70 years of existence. To date, council members have visited the following 13 counties: Butte, Colusa, Los Angeles, Marin, Napa, Riverside, San Bernardino, San Francisco, San Mateo, Shasta, Solano, Stanislaus, and Tehama.

In addition to his court visits, the Chief Justice has reached out to various constituencies within the justice system, by meeting with the legislative leadership; the Governor; members of the state and local bars, including representatives from both the plaintiffs' and defendants' civil bar, prosecutors, criminal defense attorneys, and the Attorney General's office; as well as representatives from various community groups, county governments, and the press.



Photo: Kiri Torre.

Administrative Director of the Courts William C. Vickrey and Chief Justice Ronald M. George in the file room of the Tuolumne County Courthouse.

JURY SYSTEM REFORM

What are the appropriate duties, procedures, and composition of juries? How can jury service be made a more satisfying civic experience? In the wake of prominent trials that undercut the public's confidence in the jury system, issues such as these have generated intense debate.

In December 1995, the Chief Justice appointed the Blue Ribbon Commission on Jury System Improvement to conduct a comprehensive review of all aspects of the jury system. In May 1996, the commission's report, consisting of 60 recommendations, was issued to the Judicial Council.

In 1996 and 1997, the Judicial Council took steps to implement approved recommendations made by the blue ribbon commission in its continuing efforts to improve the state's jury system. The council adopted new and revised rules of court and standards of judicial administration covering hardship excuses, juror complaints, updating juror lists, and reducing burdens on the jury.

The Judicial Council acted on the commission's recommendation to create the Task Force on Jury Instructions. This task force was charged with simplifying civil and criminal jury instructions, by drafting them in a manner that accurately states the law and that is understandable to jurors.

The Judicial Council also voted to sponsor legislation to carry out many of the blue ribbon commission's recommendations for statutory changes. Proposals that were approved for council-sponsored legislation during the 1997–98 legislative session include statutory changes that would increase juror fees and compensation for parking and transportation and that would establish a program for dependent care cost reimbursement for those jurors who would suffer financial hardship in arranging child care during jury service. Several measures that contains jury system improvements are being considered by the Legislature in 1998.

The Judicial Council's future plans include a joint project with the State Bar and the California Judges Association to develop a statewide jurors' handbook and the creation of a task force to oversee implementation of jury reforms. The Chief Justice is expected to appoint the Implementation Task Force on Jury System Improvement by early 1998.

This task force would be charged with, among other tasks, evaluating issues related to establishing a database on jury system activities, creating a statewide master jury list, and launching a pilot project in one or more counties to supplement the Department of Motor Vehicles and registered voters lists with other comprehensive source lists. The implementation task force would also be responsible for producing a user-friendly, standardized jury summons as well as a statewide juror orientation videotape for use by jury commissioners.



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Improving Court Administration Through Technology

The Judicial Council's long-range strategic plan (see page 86) calls for modernization of judicial administration practices and specifies areas in which technology can be used to achieve this goal. While the council's Administrative Office of the Courts (AOC) has traditionally focused its technology efforts on meeting the needs of the council and the appellate courts, the agency has in recent years assumed greater responsibility for application of technology in the trial courts.

In 1995, the Judicial Council established a Court Technology Advisory Committee to promote, coordinate, and facilitate the application of technology to California courts. The advisory committee develops standards for technological compatibility and oversees court technology projects funded in whole or in part by the state. In addition, the committee assists courts in the acquisition and development of useful technology systems and proposes rules, standards, and legislation to ensure privacy, access, and security. To manage these initiatives, the committee has been working with counties throughout the state in support of trial court coordination (see Chapter 2).

Some of the Judicial Council's recent court technology projects—focusing on planning, communications, and case management systems—are described below:

PLANNING

■ The Court Technology Advisory Committee assisted the trial courts in all 58 counties with structuring and developing a strategic planning process. This effort resulted in 58 court technology strategic plans to improve cost-effectiveness and efficiency.

■ The Court Technology Advisory Committee has developed a new methodology for evaluating trial court requests for state funding of information technology projects.

COMMUNICATIONS

■ A judicial branch Web site has been established to provide information about the California court system. Appellate court opinions, California Rules of Court, and Judicial Council forms are available on the Web site. (See also *"Enhancing Access and Service Through Technology,"* page 72.)

■ Videoconferencing equipment has been installed at the AOC's offices in San Francisco and Sacramento, at certain appellate and trial courts, and at various prison sites. Use of videoconferencing capabilities to date include pilot testing of oral argument via video in three appellate districts; arraigning criminal suspects from their jail cells via video and telephone links; conducting meetings of the Funding Subcommittee of the Court Technology Advisory Committee; providing AOC Human Resources benefits training to court staff in the Fifth Appellate District (Fresno); conducting internal AOC-related meetings between the San Francisco and Sacramento offices; and conducting meetings with outside vendors.



Image © 1997 PhotoDisc, Inc.

Plans for the expanded use of video technology include providing judicial education from the AOC Education Division's multimedia center at the new state building under construction in San Francisco. The council has adopted and distributed a report recommending that trial courts consider video technology not only for arraignment but also for such purposes as motions and nonevidentiary hearings, mental health proceedings, and other pretrial matters.

■ For 10 years, the council has been linked electronically to the appellate courts through a wide area network. The council has decided to extend the network to the trial courts. The AOC is working with Pacific Bell to establish a secure judicial branch telecommunications network using a virtual private network on the Internet. The network will provide a structure for secure electronic exchange of e-mail and documents—initially with the judicial branch but eventually with other government agencies and the public.

A pilot test of the project was initiated in 10 San Francisco Bay Area counties beginning in late 1997. If the pilot proves successful, the program will be phased in elsewhere in California.

■ The Court Technology Advisory Committee is evaluating the feasibility of electronic filing of clerk transcripts, court reporter transcripts, and appellate briefs. The appellate clerks have completed a study defining and testing procedures for electronic management of case-related documents in the clerks' offices from filing to archiving. The project for electronic filing of trial court records will be initiated in the First Appellate District (San Francisco), utilizing the new electronic telecommunications network that will link the courts of the 10 Bay Area counties. This project is scheduled to be implemented in early 1999.

CASE-MANAGEMENT SYSTEMS

■ FORECOURT, a new appellate case-management system, was implemented in the First Appellate District (San Francisco) in 1996 and in the Sixth Appellate District (San Jose) in 1997. FORECOURT will be implemented in the other appellate districts in 1998 and 1999.

■ To assist the trial courts in their search for effective case-management systems, the Court Technology Advisory Committee carried out a comprehensive evaluation of case-management products, vendors, and services and published a report detailing the findings. The committee will promote collaboration among courts using common case-management software and will determine the feasibility and cost-effectiveness of a case-management system that would be provided to the trial courts by the state.



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Celebrating Court Excellence

Despite often severe resource shortages, courts throughout the state are developing highly creative programs to improve their efficiency and service to the public. Every year since 1991, the Judicial Council has selected some of these programs for a Ralph N. Kleps Improvement in the Administration of the Courts Award, named for the first Administrative Director of the California courts.

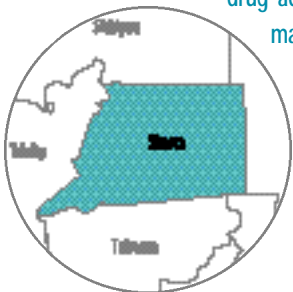
Programs are judged based on the following criteria: (1) the activity improves the administration of the courts and reflects the intent of at least one of the goals of the Judicial Council's long-range strategic plan (see page 86); (2) the activity is innovative; and (3) the project is transferable to other courts.

In 1997, the 12 court programs described below were selected to receive the prestigious Kleps Award from a field of 31 nominations. The awards were presented to the winning programs during the 1998 California Judicial Administration Conference, February 5 to 7, in Monterey.

Placer County Superior and Municipal Courts: *Peer Court* program provides juveniles the opportunity to accept responsibility for their behavior and demonstrate accountability to the community while enhancing their respect and understanding of the judicial process. In addition to the courtroom peer court component—where the juveniles are judged by classmates—separate educational, job training, and parent support components distinguish this program from many others.

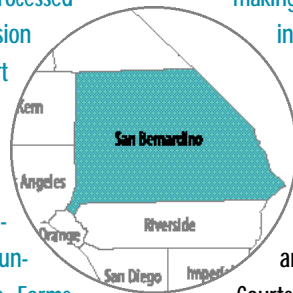


Shasta County Courts: *Addicted Offender Program* targets individuals whose drug addictions appear to be the main obstacle to their leading crime-free lives. Drug court is designed as an alternative to jail for those



offenders who have committed more than one drug offense but do not have a history of violent crimes or habitual drug dealing. (For more information regarding drug courts, see Chapter 2, page 26.)

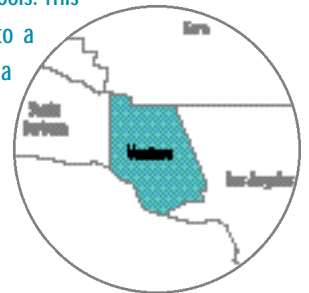
San Bernardino Superior and Municipal Courts: *Forms Automation Program* has automated the reproduction and sale of court forms to the public. Before this program was implemented, form orders were received and processed in the Central Division from 12 different court sites and returned by courier, resulting in costs of more than \$120,000 annually and requiring hundreds of staff hours. Forms automation, which has virtually eliminated manual procedures, provides the public with immediate access to current updates, saves valuable space and staff time, and prevents the waste of discarded obsolete forms after revisions are made.



Santa Clara County Superior Court: *Family Court and Family Court Services Comprehensive Program of Intervention* provides families involved in divorce and separation with comprehensive court and community-based services designed to promote the quality and accessibility of justice. This program emphasizes the encouragement of family empowerment and decision-making as well as healthy functioning through the use of various educational, counseling, mediation, and supportive services.



Ventura County Superior and Municipal Coordinated Courts: *Interactive Take Home Traffic School* program consists of an interactive "take home traffic school," which is available to traffic violators in Ventura County as an alternative to traditional classroom-style traffic schools. This program links students to a mainframe computer via a rented computer and utilizes traffic school video-tapes.



Celebrating Court Excellence (*continued*)

Los Angeles Municipal Court: *Implementation of Trial Court Performance Standards* program fully implements the Trial Court Performance Standards (TCPS), a self-assessment process that may be used by courts across the country. In addition to being one of the first and largest courts to complete all 68 measures on the local level, the Los Angeles Municipal Court has developed a process for institutionalization and continuous evaluation of the standards.

Los Angeles County Superior Court and the Administratively Unified Courts: *Los Angeles Superior Court Summer Youth Mentoring Program* was established to provide job training (with pay) for youth in economically challenged communities. The superior court has been participating in this program for five years. During the last three years, the court has incorporated job training with a strong mentoring program. Professionals outside of the court who participate in the program provide guidance counseling on an annual basis.

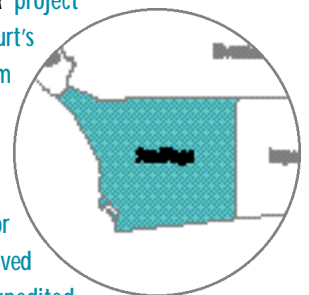
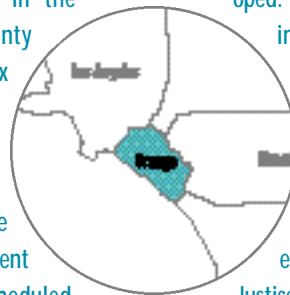
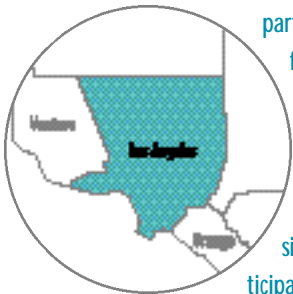
Los Angeles County Superior Court and the Administratively Unified Courts: *"The Constitutional Rights of the Big Bad Wolf"* program teaches young people about constitutional guarantees and the criminal justice system. The Los Angeles County Superior Court undertook this program for use during "Law Day" to address the public's lack of understanding about and confidence in the judicial system.

South Orange Municipal Court: *Domestic Violence Temporary Restraining Orders* program enables victims of domestic violence in the south Orange County area to obtain ex parte temporary restraining orders in their local court. These orders are issued on a permanent and regularly scheduled basis to victims referred to the court through a local women's shelter. Historically, domestic violence victims have had to travel 35 miles to the Family Law Court in the city of Orange to obtain temporary restraining orders, which has discouraged many victims from filing such orders. The program provides a new level of public service to the community in general and specifically to the victims of domestic violence. (*For more information on domestic violence, see discussion in Chapter 2, beginning on page 32.*)

The Four Municipal Courts of San Diego County: *El Cajon, North County, San Diego, and South Bay—Court Customer Service Training Program* is a comprehensive, court-specific court customer service training program. The municipal courts of San Diego County collaborated on writing and producing this program, which includes two videotapes as well as accompanying manuals and materials, providing a valuable resource with which courts throughout the state and country can train staff on court-specific quality customer service.

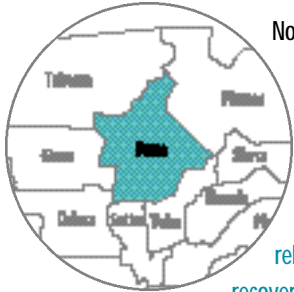
San Diego Municipal Court: *Civil and Small Claims Automated Case-Management System* has been developed. In an effort to replace existing case-management systems to maximize data sharing and to process dates after 1999, the municipal court began working to develop an all-encompassing Interagency Justice Information System (IJIS). However, the increasing level of risk to the municipal courts from continued usage of the aging Civil and Small Claims System, coupled with the cost prohibitions of a fully integrated countywide IJIS system, caused the San Diego Municipal Court to look for an alternative. Working with complete countywide specifications for an IJIS-compliant Civil/Small Claims Case-Management System, the court developed the Civil and Small Claims IJIS component for courts of limited jurisdiction.

San Diego County Superior Court: *Touch-Screen Case Index* project converted the superior court's case index database from the county mainframe computer to the court's networked personal computer system—a major systems change that improved customer service and expedited public access through touch-screen computer technology. The in-house control provided by the system allows staff to update the index daily, eliminating former time delays and the cost of duplicate data entry.



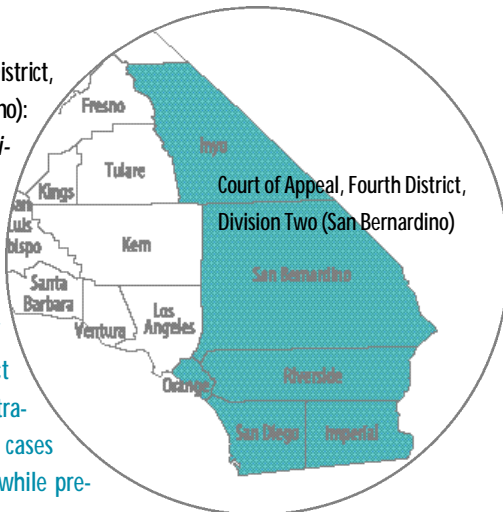
Celebrating Court Excellence (*continued*)

In 1996, the eight court programs described below were selected from 45 nominations to receive the Kleps Award. The winning courts received their awards in January 1997.



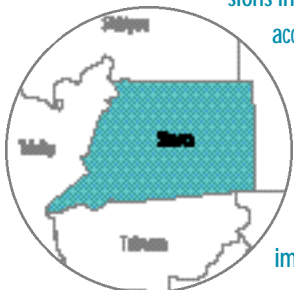
North Butte County Municipal Court: *Court ReVia Alcohol Treatment Program* was established to assist severely alcohol-dependent defendants, convicted of alcohol-related offenses, in their recovery.

Court of Appeal, Fourth District, Division Two (San Bernardino): *Volunteer Attorney Mediator Appellate Settlement Program* uses volunteer attorney-mediators to settle appeals in their areas of expertise. This project improves court administration by disposing of cases from the civil backlog while preserving judicial and attorney resources, resulting in reduced costs for litigants.



Court of Appeal, Fourth District, Division Two (San Bernardino)

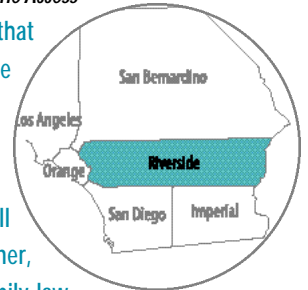
Shasta County Superior and Municipal Courts: *Automated Integrated Justice System* was developed to connect all law and justice agencies with all divisions in the courts so that they can access case records throughout the system. The system—designed with its various components linked together to update each other with necessary information—improves the daily operations



of the courts and makes information more readily accessible to both court personnel and the public.

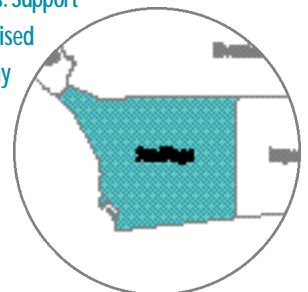
Los Angeles Municipal Court: *First Impressions Project* was developed to educate students in the City of Los Angeles elementary schools about law and the court system. This project features classroom lectures, student visits to the courthouse, and introductions to local attorneys, judges, and courtroom staff.

Administratively Consolidated Courts of Riverside County: *On-Line Access* system was created so that clients can dial into the court's automated case-management system to obtain, with ease, specific information on civil, small claims, unlawful detainer, felony, misdemeanor, family law, probate, and traffic cases.



San Diego Municipal Court: *Simulated Courtroom Clerk Training* is provided off-site to clerks assigned to work in the courts. This simulated training system was developed by using actual recorded court sessions, finished calendars, and completed court dockets. This training teaches clerks how to prepare court dockets, referrals, and Department of Motor Vehicles abstracts.

South Bay Trial Courts (San Diego County): *Coordination of South Bay Trial Courts—San Diego County* was designed to improve court administration by consolidating municipal and superior court operations in the county's South Bay Judicial District. The superior court agreed to a comprehensive plan for consolidation of all court-support operations and judicial functions. Support staff members are supervised by existing South Bay Municipal Court supervisors and managers.



Orange County Superior Court: *Volunteers CARE (Court Assistants Reaching Out With Empathy) Program* was developed to help ensure that individuals placed under court conservatorship receive needed care and services, and that conservators are acting in the conservatees' best interest. Retired volunteers, who assist the court's Mediation and Investigative Services staff, research case files, make field visits, and report their findings; this, in turn, allows court staff to identify and reduce backlog and remain up-to-date with court-mandated reviews.

Trends Affecting California's Courts

In December 1996, the Judicial Council's Administrative Office of the Courts (AOC) conducted a survey of California's trial and appellate courts to obtain a snapshot of the trends affecting our state courts. The 1997 California Court Planning Survey was sent to appellate court justices and clerks of the court and also to trial court presiding judges and court administrators.*

*The response rate was 58 percent of appellate court justices and clerks of the court (14 responses from 24 survey questionnaires sent) and 39 percent of trial court presiding judges and court administrators (103 responses from 365 survey questionnaires sent).

The results of this survey (as well as those from an AOC survey of state courts nationwide conducted in January 1997) provided a context in which Judicial Council members discussed the California judicial system's goals and priorities at the council's 1997 Planning Workshop (see page 87).

CRISIS-LEVEL IMPACT

In the California Court Planning Survey, court officials were asked to rate various social, political, economic, and technological trends in terms of their level of impact on the courts—from “none” to “crisis”

(see accompanying charts). The highlights of the survey results are discussed below.

Changing role of government

Respondents felt the trend having the greatest impact on the courts is the changing role of government in general; that is, the changing nature of relationships between governmental levels and units. Respondents indicated the following trends have reached a **crisis level**:

■ Competition among government agencies for limited public funding (54 percent of respondents).

■ Reductions in federal, state, and local funding for legal and other services accompanied by increased demand for court services; for example, three-strikes cases (see Chapter 2, page 24) (38 percent of respondents).

■ Increased involvement of executive and legislative branches in prescribing court operations (34 percent of respondents).

Figure 4.1

The Changing Role of Government in General

The changing nature of relationships between governmental levels and units has had the following impacts:

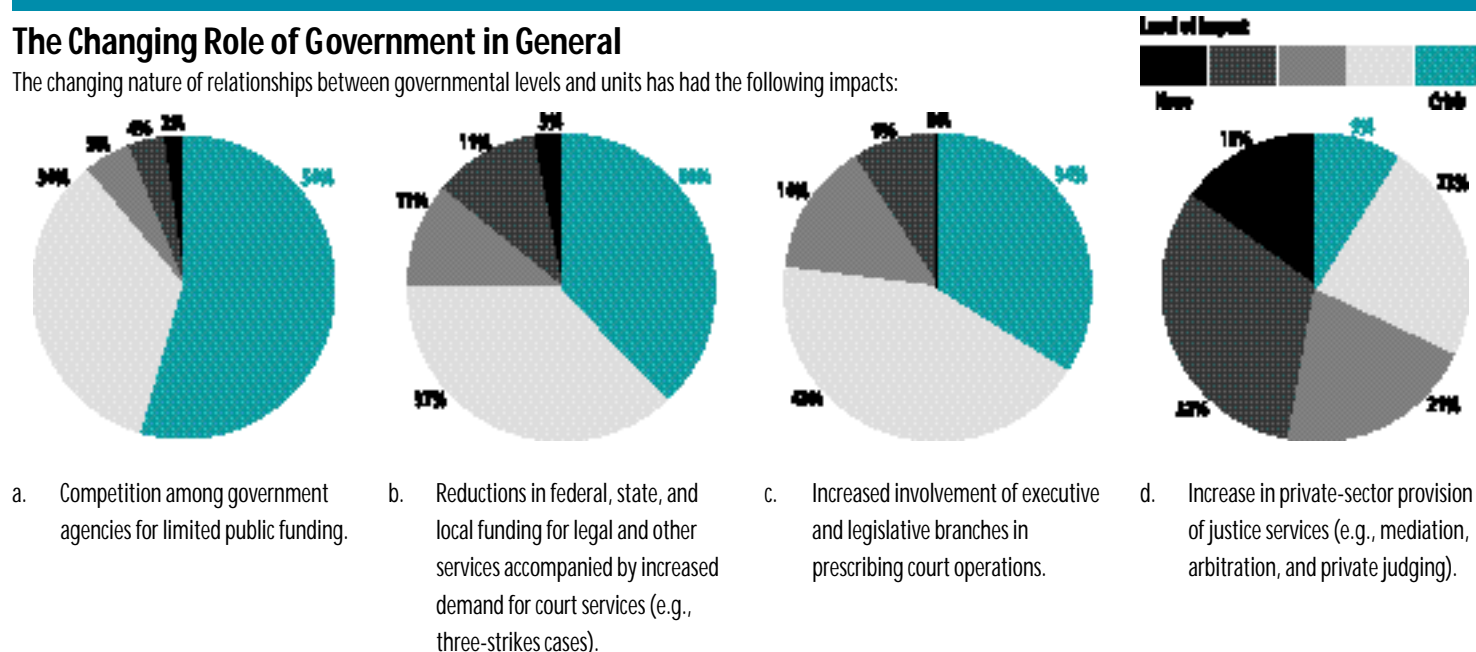
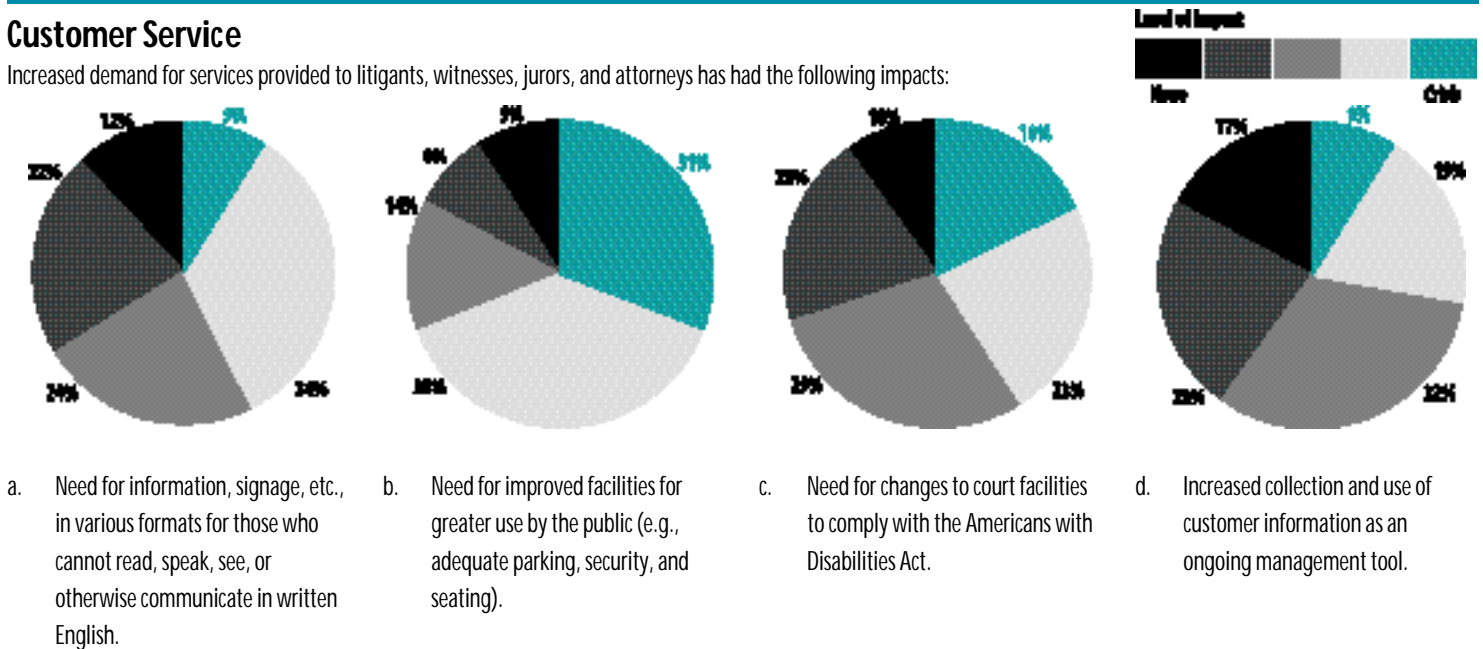


Figure 4.2

Customer Service

Increased demand for services provided to litigants, witnesses, jurors, and attorneys has had the following impacts:



Customer service

Customer service was also a significant concern, including increased demand for court services provided to litigants, witnesses, jurors, and attorneys. Respondents rated the following trends as having a **crisis-level** impact on the courts:

- The need for improved facilities for greater use by the public, such as adequate parking, security, and seating (31 percent of respondents).

- Changes to court facilities necessary for compliance with the requirements of the Americans with Disabilities Act (18 percent of respondents).

Demographics

The changing nature of California's population (e.g., increasing racial and ethnic diversity, aging of the population, and the general increase in population) was also a concern for court officials. Specifically, 29 percent of respondents felt that the increased need for court interpreters was at a **crisis level**.

Changing role of courts in society

Respondents also expressed concern over the public's increased expectations that courts actively address societal issues. Some of the trends that they identified as having reached a **crisis level** include:

- Increased demand for services related to domestic violence and family dissolution; for example, assistance for pro per (self-represented) litigants (15 percent of respondents).

- Increasing demand for "prevention services" to address aspects of societal alienation and mistrust; for example, the growth of hate groups and paramilitary groups, the increasing number of violent youth, and the escalation of acts of violence against youth (14 percent of respondents).

Figure 4.3

Demographics

The changing nature of California's population (e.g., increasing racial and ethnic diversity, aging of the population, and increase in population generally) has had the following impacts:

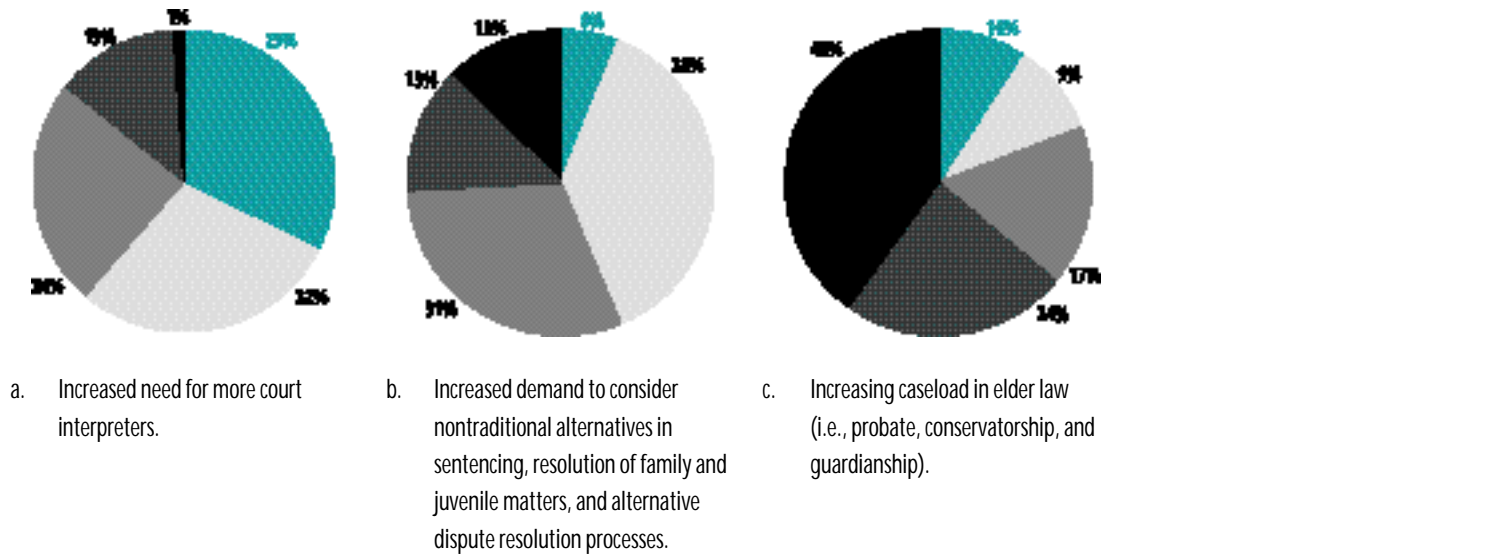


Figure 4.4

The Changing Role of Courts in Society

Increased expectations that courts should actively address societal issues have had the following impacts:

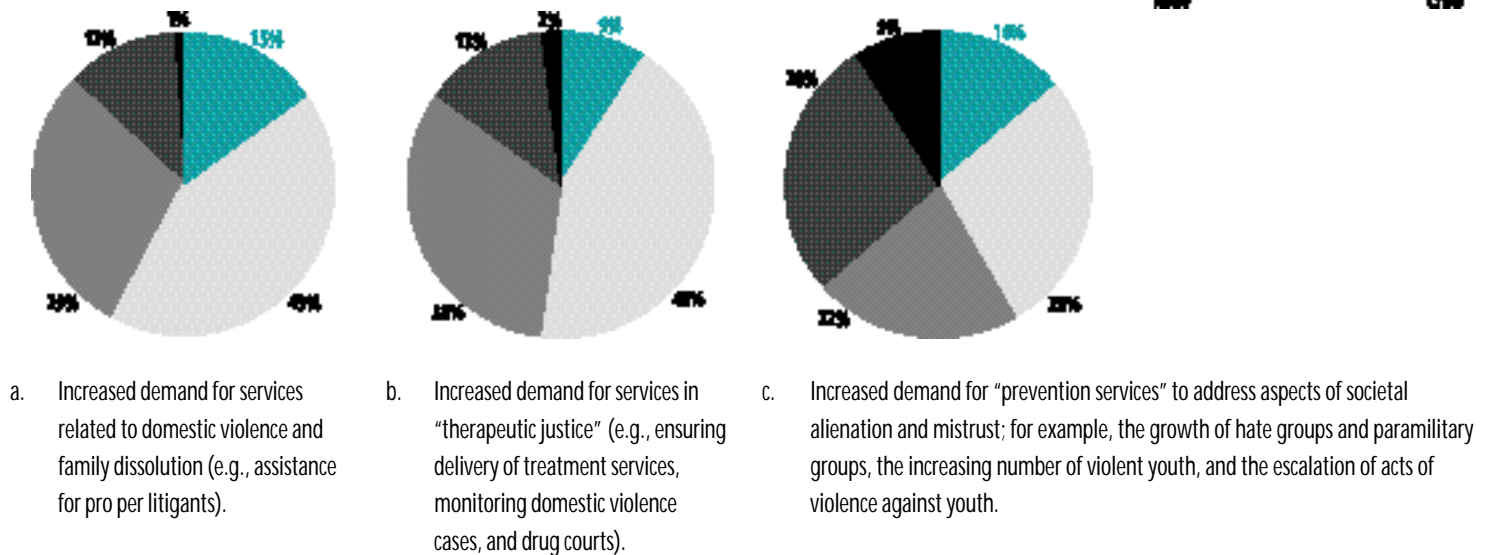
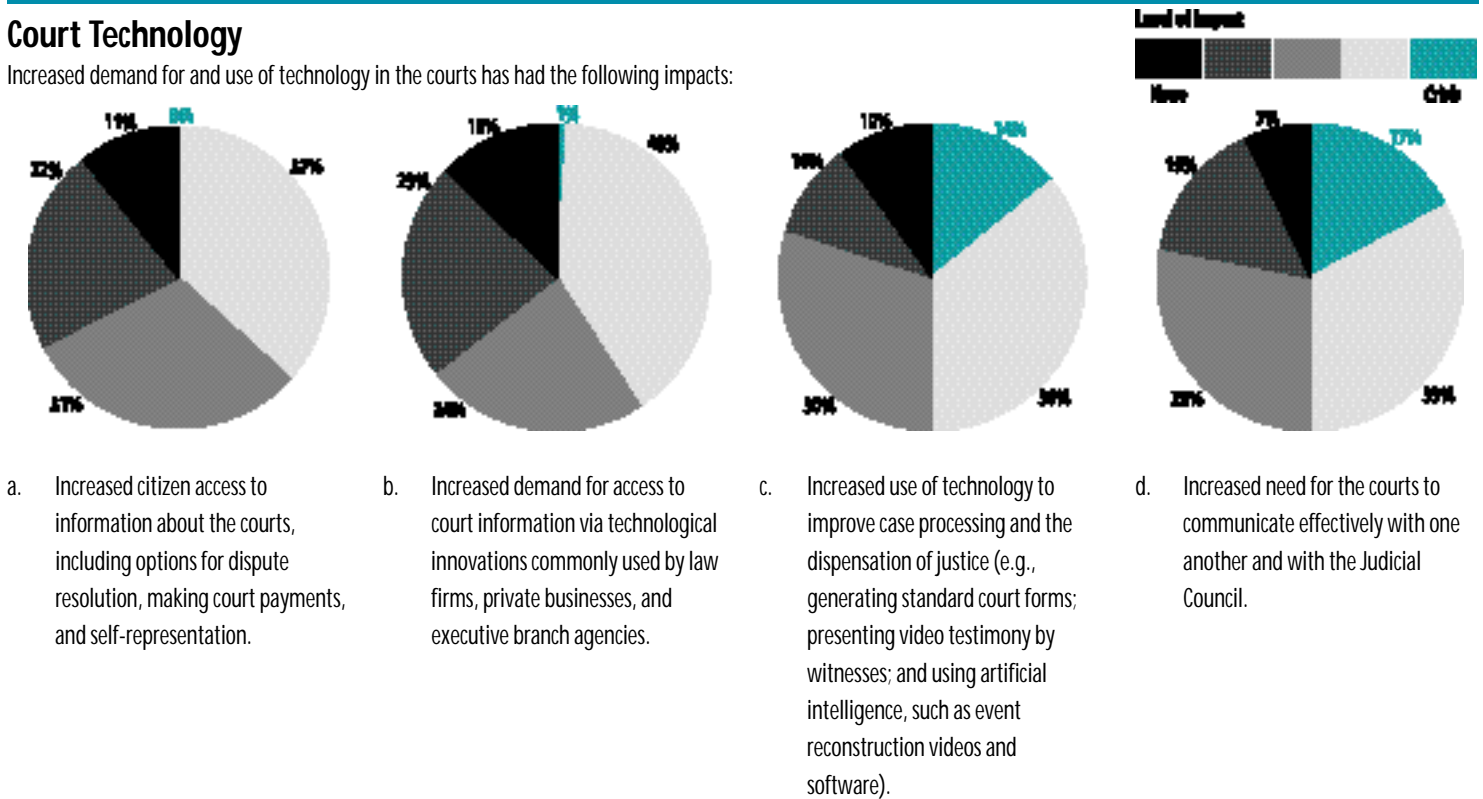


Figure 4.5

Court Technology

Increased demand for and use of technology in the courts has had the following impacts:



Court technology

The increased demand for and use of technology in the courts was also a concern of responding court officials. Some of the trends that respondents felt have reached a **crisis level** include:

- Increased need for courts to communicate effectively with one another and with the Judicial Council (17 percent of respondents).

- Increased use of technology to improve case processing and the dispensation of justice; for example, generating standard court forms; presenting video testimony by witnesses; and using artificial intelligence, such as event reconstruction videos and software (14 percent of respondents).

Leading Justice Into the Future: Long-Range Strategic Plan for the Courts

Leading Justice into the Future, a vision for the future of the California courts, sets out the broad, long-range strategic plan for the state's judicial system and a more detailed action plan for the Judicial Council's advisory committees and the Administrative Office of the Courts (AOC). The council's first long-range strategic plan for the California judicial system was published in 1992. The plan is updated annually by the council with significant involvement by judges and court administrators from across the state, as well as representatives of the State Bar, the Legislature, the executive branch, and the public. In May 1997, the Judicial Council adopted changes to the strategic plan that emphasize the council's commitment to the quality of justice and service to the public.

The Judicial Council implements the plan at the state level by adopting policies, court rules, and standards of judicial administration, and by proposing legislation. At the local level, individual courts are encouraged to develop implementation plans that are consistent with the long-range plan and responsive to the needs of their local communities. The combined efforts of the courts and the Judicial Council will make the vision become a reality for the judicial system's primary constituents—the people of California.

JUDICIAL COUNCIL'S FIVE PRIMARY GOALS

The long-range strategic plan establishes five primary goals for the judicial branch and sets broad policy directions by which to achieve those goals.

Access, Fairness, and Diversity

Improve access, fairness, and diversity in the judicial branch.

Independence and Accountability

Ensure the institutional independence of the judiciary as a separate branch of government, secure the resources necessary for its support, and protect the independence of judicial decision-making.

Modernization

Modernize judicial administration practices (including court and case management as well as court technology).

Quality of Justice and Service to the Public

Promote the quality of justice by providing services to the public that meet their needs and enhance their understanding of and support for the judicial branch.

Education

Achieve the goals of the Judicial Council through judicial branch education and professional development.

The full text of the Judicial Council's long-range strategic plan, *Leading Justice into the Future*, is available through the online reference shelf on the judicial branch Web site: www.courtinfo.ca.gov; by writing to the AOC's Public Information Office at 303 Second Street, South Tower, San Francisco, CA 94107; or by calling the AOC's Publications Hotline: 800-900-5980.

Planning Focused on Implementation

At the Judicial Council's 1997 Planning Workshop, the council took stock of its progress since the planning process was formally initiated in 1992. Its first assessment was based on information presented to the council in *A Planning Report Card: Plan Accomplishments Since 1992*. The council concluded that significant progress has been made in implementing its long-range strategic plan (see *previous page*). In 1997, the Judicial Council shifted its focus from plan creation to implementation by defining and determining the relative importance of specific objectives to be achieved.

PRIORITY PROGRAMS

As the policy-setting body for the state judicial branch, the Judicial Council establishes policy and program priorities to address the many issues that face the judicial system. These priorities are reconsidered annually in relation to objectives accomplished and the new or alternative priority needs that face the judiciary.

During the 1997 Planning Workshop, the council developed a list of priorities for fiscal year 1998–99 budget development. These priorities, listed below, were made based on recommendations from judicial system leaders, the Judicial Council's advisory committees, and staff members of the Administrative Office of the Courts (AOC) concerning program activities needed to implement the council's goals and policy directions.

Judicial Council/Advisory Committees/AOC:

- Family and juvenile law
- Pro per litigant assistance
- Court interpreters
- Fairness education and training on diversity of court users

- Diversity on the bench and among court staff
- Comprehensive court facilities study
- Statewide planning conference
- Comprehensive rules review and revision
- Judicial and administrative education: curriculum and skills-based program development

Trial Courts (through the Trial Court Budget Commission—see *Special Trial Court Funding Report*, page 13):

- Jury service
- Court interpreters
- Coordination rewards and sanctions
- Court technology
- Resource allocation to family, juvenile, and probate courts
- Professional development of judicial officers and court staff

Appellate Courts:

- Appellate process efficiency
- Appellate court staffing
- Appellate settlement programs
- Appellate and trial court intradistrict seminars

THE NEXT STEP: FIRST STATEWIDE COURT PLANNING CONFERENCE

The Judicial Council's focus on plan implementation will reach another milestone in the Spring of 1998 when the council is sponsoring the first Statewide Community-Focused Court Planning Conference. This conference will assist California's trial courts in developing and enhancing local court action planning that (1) emphasizes community involvement in court planning and (2) incorporates community outreach efforts in court operations. (*For more information on community outreach, see discussion beginning on page 74.*) ■

Legislative Report

1997 Legislative Highlights

The Judicial Council sponsors and supports legislation that promises to advance court reform goals outlined in its long-range strategic plan (*see Chapter 4*). In 1997, passage of the landmark trial court funding restructuring legislation, giving the state full responsibility for funding trial court operations, was a long-awaited reform (*see Special Trial Court Funding Report*). Other court-related legislation that passed in the 1997 legislative session is listed below.

CRIMINAL PROCEDURE

Senate Bill 513 (Lockyer and Pacheco), Statutes 1997, Chapter 869

Modifies the responsibilities of the Office of the State Public Defender to focus primarily on the automatic appeal in capital cases and funds 15 staff attorneys as well as the necessary support staff for these purposes. Creates the California Habeas Resource Center (in the judicial branch), which will provide legal, investigative, and clerical support for private counsel appointed to handle state and federal capital habeas corpus proceedings. This resource center will also be authorized to hire up to 30 attorneys who may be appointed to represent inmates in habeas corpus proceedings. SB 513 also increases the rate of compensation for private counsel who are appointed to represent death row inmates in either the automatic appeal or the habeas corpus process from \$98 to \$125 per allowable hour.

- “I am very proud to be the author of this vital [trial
- court funding] bill that ensures the fiscal health of our
- state trial courts and provides much-needed relief to
- the counties. AB 233 is an important accomplishment
- for the people of California, who will now have better
- access to justice throughout the state. The Judicial
- Council can be especially proud of this years-long
- effort and its effective governmental affairs operation
- in Sacramento that helped to make the trial court
- funding bill a reality.”

—Assembly Member Martha Escutia

Senate Bill 721 (Lockyer), Statutes 1997, Chapter 750

Simplifies felony sentencing laws by eliminating certain limitations on the imposition of sentence enhancements.

JUVENILE DELINQUENCY

Assembly Bill 1105 (Hertzberg), Statutes 1997, Chapter 679

Creates the Expedited Youth Accountability Program, operative in Los Angeles and in other counties that volunteer, which allows for expedited law enforcement and judicial response to low-level juvenile offenders.

Reports Submitted to the Legislature by the Judicial Council in 1997

January 29, 1997

The Legislative Report on Strategic Technology Planning Project in the California Trial Courts.

February 20, 1997

Report on the Efficiency and Effectiveness of the Court Appointed Counsel Program.

May 16, 1997

Annual Report to the Legislature on Coordination Activities (through March 31, 1997, with expenditure and revenue data for fiscal year 1995–96).

August 11, 1997

Report to the Legislature on Restitution to Crime Victims—Forms and Judicial Education.

FAMILY LAW AND DOMESTIC VIOLENCE

Assembly Bill 200 (Kuehl), Statutes 1997, Chapter 849

Modifies the legislative findings and declarations regarding the state's policy on custody decision making—stating that the health, safety, and welfare of children shall be the court's primary concern in determining the best interest of children. Requires the court to state its reasons in writing or on the record when awarding custody to a parent who is alleged to have perpetrated domestic violence or to have alcohol or substance abuse problems.

Assembly Bill 1526 (Escutia), Statutes 1997, Chapter 449

This Judicial Council-sponsored bill clarifies the role of counsel appointed by the court to represent a child in a family law proceeding. This bill permits the court to request counsel to prepare a written statement of issues and contentions and does not allow the attorney to be called as a witness.

Senate Bill 564 (Solis), Statutes 1997, Chapter 396

Clarifies that the court may issue visitation orders under the Domestic Violence Prevention Act only to parties who have demonstrated a parent-child relationship. Authorizes a court to award temporary sole legal

and physical custody of a child to a party to whom a restraining order has been issued and to make an order of no visitation to the other party (where that other party has not established a parent-child relationship, pending establishment of that relationship).

FINES AND FORFEITURES

Senate Bill 162 (Haynes), Statutes 1997, Chapter 703

Extends the Comprehensive Court Collections Program to January 1, 2000, and, among other provisions, extends the \$24 fee charged to traffic violators who elect or are ordered to attend traffic violators school until December 31, 1998.

COURT ADMINISTRATION

Assembly Bill 380 (Pacheco), Statutes 1997, Chapter 259

Requires the Judicial Council to adopt a rule of court by January 1, 1999, providing that whenever a state statute or regulation has been declared unconstitutional by the court, notice of entry of judgment is mailed to the Attorney General and a certificate of that mailing is placed in the court's file. Requires the Attorney General to file a statement with the Legislature and the Judicial Council if he or she elects not to intervene.

Assembly Bill 1088 (Assembly Judiciary Committee), Statutes 1997, Chapter 571

This Judicial Council-sponsored bill makes various conforming changes relative to staffing and employee classification and compensation in various superior and municipal courts.

Assembly Bill 1445 (Shelley), Chapter 376, Statutes 1997

This Judicial Council-sponsored bill creates a new designation of "registered interpreter" for court interpreters who interpret in a language that is not designated by the Judicial Council but who are qualified by the court under existing procedures and guidelines. Allows a registered interpreter who is regularly employed by the courts to file an oath with the clerk of the court. The filed oath serves for all subsequent court proceedings until the appointment is revoked. ■

How to Use the Glossaries

Terms are defined within four glossaries organized by court level—(1) municipal courts, (2) superior courts, (3) Courts of Appeal, and (4) the California Supreme Court. In chapters 2 and 3 in the main text of this publication, glossary terms generally appear in CAPS upon first reference by court level. (In some instances, a glossary term may appear in CAPS an additional time if intrinsic to the discussion and occurring significantly after the first reference.) Within each glossary, terms set in SMALL CAPS are defined elsewhere in that glossary (unless otherwise stated).



**The definitions provided in the glossaries are intended only to provide context and a general understanding of the information contained in this publication. These definitions are not to be relied on as legal authority or cited as authoritative.*

Municipal Courts Glossary*

California's municipal courts are the trial courts below the superior court level. These courts handle misdemeanor and infraction cases as well as civil matters involving claims for \$25,000 or less, including small claims cases that do not exceed \$5,000. Municipal courts also play a role in felony cases by presiding over arraignments as well as preliminary hearings in such cases to determine whether there is reasonable and probable cause to hold a defendant for further proceedings in superior court. As of April 1, 1998, there were 109 municipal courts in California.

Words set in SMALL CAPS are defined elsewhere in the glossary.

ARRAIGNMENT. Proceeding in which an accused is brought before the court to plead to the charge in the CRIMINAL COMPLAINT. The charge is read to the accused and he or she is asked to plead guilty, not guilty, or nolo contendere (no contest).

BRIEF (TRIAL). A document, prepared and used by an attorney at trial, that contains, among other things, the issues to be tried, a synopsis of evidence and witnesses to be presented, and supporting case and statutory authority for counsel's position.

CIVIL ACTION. A court proceeding in which a party seeks the declaration, enforcement, or protection of a right; the redress or prevention of a wrong; or the punishment of a public offense. Distinguished from CRIMINAL ACTION. All other proceedings, including civil WRITS, are SPECIAL PROCEEDINGS. Municipal courts hear all civil claims with a value of \$25,000 or less, including SMALL CLAIMS matters (for which the monetary jurisdictional limit is \$5,000).

COMMISSIONER. A subordinate judicial officer, employed by a county, who performs judicial or quasi-judicial duties as assigned by a court. A

commissioner may be authorized to decide only limited pretrial issues of fact and law or to conduct complete trials. Commissioners frequently act as temporary judges by consent of the parties, except that consent is not required in SMALL CLAIMS court.

CRIMINAL ACTION. A proceeding before a court conducted to establish guilt for a crime committed and to punish the offender. Distinguished from CIVIL ACTION.

CRIMINAL COMPLAINT. A charge that a person has committed a specified public offense with an offer to prove the facts so that a prosecution can be instituted. The complaint is the written statement of the essential facts constituting the offense charged.

CRIMINAL LAW. Substantive criminal law declares what conduct is criminal, prescribes the punishment to be imposed for such conduct, and includes the definitions of specific offenses. *Note: Criminal law is codified in many statutes found in the Penal Code, the Vehicle Code, and the Health and Safety Code.*

**The definitions provided in this glossary are intended only to provide context and a general understanding of the information contained in this publication. These definitions are not to be relied on as legal authority or cited as authoritative.*

DAMAGES. A sum of money that may be recovered in the courts by any person who has suffered loss, detriment, or injury—whether to his or her person, property, or rights—through another person’s unlawful act, omission, or negligence.

DEFENDANT. Generally, the person defending or denying claims made in a complaint filed by a PLAINTIFF; the party from whom relief or recovery is sought in an action or suit. In a criminal case, the defendant is the person accused of a violation of CRIMINAL LAW.

DISPOSITION. The termination of a court proceeding.

DUE PROCESS. The constitutional guarantee of due process of law has two primary aspects. (1) *Procedural* due process requires that legal proceedings be carried out regularly and in accordance with established rules and principles. The central meaning of procedural due process is that parties whose rights may be affected are entitled to reasonable notice and the opportunity to be heard and to present any claim or defense. (2) *Substantive* due process refers to the requirement that laws not be fashioned in a manner that results in the unfair, arbitrary, or unreasonable treatment of an individual.

FELONY. A criminal offense punishable by imprisonment in a state prison or by death. Felony cases are filed in municipal courts, which conduct PRELIMINARY HEARINGS to determine whether there is sufficient evidence to hold a DEFENDANT to answer in superior court where the defendant is tried.

GROUP A MISDEMEANORS. One of two categories of nontraffic MISDEMEANOR filings established by the Judicial Council and used for statistical reporting. Includes nontraffic misdemeanor violations of the Penal Code and other state statutes, excluding Fish and Game Code violations and

intoxication complaints. *See also* GROUP B MISDEMEANORS.

GROUP B MISDEMEANORS. One of two categories of nontraffic MISDEMEANOR filings established by the Judicial Council and used for statistical reporting. Includes nontraffic misdemeanor violations of local city and county ordinances, Fish and Game Code violations, and intoxication complaints. *See also* GROUP A MISDEMEANORS.

GROUP C MISDEMEANORS. One of two categories of TRAFFIC MISDEMEANORS established by the Judicial Council and used for statistical reporting. Includes violations of Vehicle Code sections 20002 (hit-and-run, property damage), 23104 (reckless driving causing injury), and 23152 (driving under the influence of alcohol or drugs). *See also* GROUP D MISDEMEANORS.

GROUP D MISDEMEANORS. A category established by the Judicial Council and used for statistical reporting that includes all TRAFFIC MISDEMEANOR violations not included in GROUP C MISDEMEANORS. Examples include driving with a suspended license, providing false evidence of registration, engaging in speed contests, possession of marijuana by driver, and illegal transport of hazardous materials.

HABEAS CORPUS. *See Superior Courts, Courts of Appeal, and Supreme Court glossaries.*

INDICTMENT. A formal written accusation originating with a prosecutor and issued by a grand jury against a person charged with a crime.

INFRACTIONS. Violations of state statutes or local city or county ordinances that are specified as infractions and punishable only by fine.

INJUNCTION. An order or decree of a court either preventing (prohibitory injunction) or compelling (mandatory injunction) an act.

MISDEMEANOR. Lesser offense than a **FELONY** and generally punishable by fine or imprisonment in a city or county jail rather than in a state penitentiary. For statistical reporting purposes, the Judicial Council classifies misdemeanors in four groups—A through D (*see page 93*).

PARKING VIOLATION. For statistical reporting purposes, the Judicial Council defines a parking violation as a notice of appeal filed with the municipal court by a person contesting a parking citation who is seeking review of a decision made by the agency that issued the parking citation.

PLAINTIFF. A party who brings an action: The party who complains or sues in a **CIVIL ACTION**; the prosecution (i.e., the state) in a **CRIMINAL ACTION**.

PRELIMINARY HEARING. A hearing held in a **FELONY** case prior to an **INDICTMENT**, during which the state is required to produce sufficient evidence to establish that there is reasonable and probable cause to hold a **DEFENDANT** for further proceedings in superior court. *See also* **ARRAIGNMENT**.

REFEREE. A subordinate judicial officer employed by a county to handle matters assigned by the court such as traffic law violations. (*This term appears in the California Court System chart on page xii.*)

SMALL CLAIMS. All matters valued at \$5,000 or less filed in small claims court. (The jurisdictional limit increased from \$2,500 to \$5,000 on January 1, 1991.)

SPECIAL PROCEEDINGS. *See Superior Courts Glossary.*

TEMPORARY RESTRAINING ORDER. An emergency remedy of brief duration that may be issued only in exceptional circumstances and only until the trial court can hear arguments or evidence, as

the circumstances require, on the subject of the controversy and otherwise determine what relief is appropriate. A temporary restraining order (commonly referred to as a **TRO**) is issued to prohibit the acts complained of, pending a hearing on whether the **PLAINTIFF** is entitled to a preliminary **INJUNCTION**.

TORT. A private or civil wrong or injury other than a breach of contract for which the law provides an action for **DAMAGES** as a remedy.

TRAFFIC INFRACTION. Any traffic-related violation of state statutes or city or county ordinances specified as an **INFRACTION** excluding **PARKING VIOLATIONS**.

TRAFFIC MISDEMEANOR. A traffic-related offense generally punishable by fine or imprisonment in a city or county jail rather than in a state penitentiary. There are two categories of traffic misdemeanors established by the Judicial Council and used for statistical reporting (*see Group C and Group D Misdemeanors, page 93*).

WRIT. *See Superior Courts, Courts of Appeal, and Supreme Court glossaries.*

Superior Courts Glossary*

California's superior courts have trial jurisdiction over all felony cases and all general civil cases involving disputes valued over \$25,000. These courts also serve as probate courts, juvenile courts, and family courts and can hear appeals of municipal court decisions. There are 58 superior courts in California—one in each county.

Words set in SMALL CAPS are defined elsewhere in the glossary.

APPEAL. At the superior court level, a proceeding for direct review of a judgment or appealable order of a municipal court.

ARRAIGNMENT. When an accused is held to answer on criminal charges in municipal court, an arraignment is the proceeding in which the accused is brought before the superior court to plead to the criminal charge in the INDICTMENT or INFORMATION. The charge is read to the accused and he or she is asked to plead guilty, not guilty, or nolo contendere (no contest).

BRIEF (TRIAL). A document, prepared and used by an attorney at trial, that contains, among other things, the issues to be tried, a synopsis of evidence and witnesses to be presented, and supporting case and statutory authority for counsel's position.

CIVIL ACTION. A court proceeding in which a party seeks the declaration, enforcement, or protection of a right; the redress or prevention of a wrong; or the punishment of a public offense. Distinguished from CRIMINAL ACTION. All other proceedings, including civil WRITS, are SPECIALPROCEEDINGS. Superior courts hear all civil claims with a value over \$25,000. SMALL CLAIMS (see *Municipal Courts Glossary*) appeals (trials de novo) are heard in superior court.

COMMISSIONER. A subordinate judicial officer, employed by a county, who performs judicial or quasi-judicial duties as assigned by a court. A commissioner may be authorized to decide only limited pretrial issues of fact and law or to conduct complete trials. Commissioners frequently act as temporary judges by consent of the parties, except that consent is not required in SMALL CLAIMS (see *Municipal Courts Glossary*) court.

COMMON LAW. The system of laws originated and developed in England and based on court decisions and the doctrines implicit in those decisions as well as on custom and usage, rather than on codified written laws.

CONSERVATORSHIP. A court proceeding to appoint and oversee a conservator who manages the financial affairs and/or the personal care of an adult who is physically or mentally unable to handle either or both.

CRIMINAL ACTION. A proceeding before a court conducted to establish guilt for a crime committed and to punish the offender. Includes petitions for WRITS of HABEAS CORPUS. Distinguished from CIVIL ACTION.

**The definitions provided in this glossary are intended only to provide context and a general understanding of the information contained in this publication. These definitions are not to be relied on as legal authority or cited as authoritative.*

CRIMINAL LAW. Substantive criminal law declares what conduct is criminal, prescribes the punishment to be imposed for such conduct, and includes the definitions of specific offenses.

Note: Criminal law is codified in many statutes found in the Penal Code, the Vehicle Code, and the Health and Safety Code.

DAMAGES. A sum of money that may be recovered in the courts by any person who has suffered loss, detriment, or injury—whether to his or her person, property, or rights—through another person’s unlawful act, omission, or negligence.

DEFENDANT. Generally, the person defending or denying claims made in a complaint filed by a PLAINTIFF; the party from whom relief or recovery is sought in an action or suit. In a criminal case, the defendant is the person accused of a violation of CRIMINAL LAW.

DISPOSITION. The termination of a court proceeding.

DUE PROCESS. The constitutional guarantee of due process of law has two primary aspects. (1) *Procedural* due process requires that legal proceedings be carried out regularly and in accordance with established rules and principles. The central meaning of procedural due process is that parties whose rights may be affected are entitled to reasonable notice and the opportunity to be heard and to present any claim or defense. (2) *Substantive* due process refers to the requirement that laws not be fashioned in a manner that results in the unfair, arbitrary, or unreasonable treatment of an individual.

EMINENT DOMAIN. The right and power to take private property for public use by the federal government and its agencies, the state, and local governmental entities. For statistical reporting purposes, the Judicial Council has defined the term *eminent domain* as the number of parcels in a proceeding

to take private property for public use and determine the amount of just compensation due the owner.

FAMILY LAW. A category of civil cases, established by the Judicial Council and used for statistical reporting, that includes proceedings in which a petition has been filed for dissolution or voiding of a marriage or for legal separation.

FELONY. A criminal offense punishable by imprisonment in a state prison or by death. Felony cases are filed in municipal courts, which conduct PRELIMINARY HEARINGS (see *Municipal Courts Glossary*) to determine whether there is sufficient evidence to hold a DEFENDANT to answer in superior court where the defendant is tried.

GENERAL CIVIL. Category of civil cases, established by the Judicial Council and used for statistical reporting, that includes personal injury (motor vehicle and other), EMINENT DOMAIN, and OTHER CIVIL COMPLAINTS.

GUARDIANSHIP. A court proceeding to appoint and oversee a guardian who has custody of a minor or manages the estate of a minor or does both.

HABEAS CORPUS (challenging confinement). Procedure for challenging either the conditions under which a person is confined or the legality of the confinement; in the latter situation, the underlying criminal conviction may be challenged on the basis of facts outside the trial record. The superior courts, Courts of Appeal, and Supreme Court all have ORIGINAL JURISDICTION in habeas corpus proceedings, as in other WRIT matters.

If habeas corpus relief is denied in the trial court, a petitioner may file an original habeas corpus petition in the Court of Appeal. If the Court of Appeal denies relief, the petitioner has two options: filing an original petition with the Supreme Court or filing a petition for discretionary review of the

Court of Appeal's denial of relief (as may be filed from any Court of Appeal decision on appeal to the Supreme Court).

INDICTMENT. A formal written accusation originating with a prosecutor and issued by a grand jury against a person charged with a crime.

INFORMATION. A written accusation made by a public prosecutor against a person for some criminal offense, without an **INDICTMENT**. At **COMMON LAW**, a grand jury indictment was necessary to bring a **DEFENDANT** to trial for a **FELONY**, and this is still the rule in some states and in the federal system. An information is an alternative procedure now authorized by many states, including California, and has been held consistent with **DUE PROCESS**. In California, the vast majority of people accused of a felony in superior court are charged by information, not indictment.

INJUNCTION. An order or decree of a court either preventing (prohibitory injunction) or compelling (mandatory injunction) an act.

JUVENILE DELINQUENCY FILINGS. A category, established by the Judicial Council and used for statistical reporting, that includes petitions filed under Welfare and Institutions Code section 602, alleging violation of a criminal statute, or under Welfare and Institutions Code section 601, alleging that a minor is beyond the control of parents or guardians but has not violated any law. An original petition commences a delinquency proceeding. A subsequent petition adds allegations against a minor child who is already subject to the court's jurisdiction.

JUVENILE DEPENDENCY FILINGS. A category, established by the Judicial Council and used for statistical reporting, that includes petitions filed under Welfare and Institutions Code section 300 seeking to make a minor child a ward of the court because

of abuse or neglect. An original petition commences a dependency proceeding. A subsequent petition adds allegations regarding a minor child who is already subject to the court's jurisdiction.

MANDATE or **MANDAMUS** (compulsion of duty). Mandamus (Latin) means "we command." A **WRIT** of mandate (mandamus)—which may relate to either civil or criminal matters—issued from a court of competent jurisdiction, requires a lower court, corporation, board, or person to perform a duty imposed by law.

ORIGINAL JURISDICTION. Jurisdiction (i.e., authority) in the first instance to take and decide a cause. This is distinguished from **APPELLATE JURISDICTION** (see *Courts of Appeal and Supreme Court glossaries*).

OTHER CIVIL COMPLAINTS. A category of civil cases, established by the Judicial Council, within the broader **GENERAL CIVIL** category. Other civil complaints include all civil complaints—other than personal injury, wrongful death, property damage, and **EMINENT DOMAIN** cases—including breach of contract, professional malpractice, real property disputes, and complaints filed by a private party to establish paternal relationship. If the requested relief is for money, it must be for an amount in excess of \$25,000 to be filed in superior court. (The upper monetary limit for filing in municipal court was changed from \$15,000 to \$25,000 on January 1, 1986.)

OTHER CIVIL PETITIONS. A category of civil cases, established by the Judicial Council, that includes petitions for adoption; for change of name; to establish the fact of birth or death (if not part of a pending **PROBATE** proceeding); for a writ of review, **MANDATE** (or **MANDAMUS**), and **PROHIBITION**; for conciliation (when not part of a pending **FAMILY LAW** proceeding); petitions filed by the district attorney against a parent responsible for child

support reimbursement to the county; petitions filed under the Reciprocal Enforcement of Support Act; petitions to prevent domestic violence; and other SPECIAL PROCEEDINGS.

PLAINTIFF. A party who brings an action: The party who complains or sues in a CIVIL ACTION; the prosecution (i.e., the state) in a CRIMINAL ACTION.

PROBATE. Includes court proceedings to determine the validity of a will, to oversee the administration of the estates of decedents and trusts, and to appoint and oversee guardians for minors and conservators for adults. *See also* CONSERVATORSHIP; GUARDIANSHIP; PROBATE AND GUARDIANSHIP.

PROBATE AND GUARDIANSHIP. A category of civil cases, established by the Judicial Council, that includes all PROBATE proceedings, will contests, GUARDIANSHIP and CONSERVATORSHIP proceedings (including conservatorship proceedings under the Lanterman-Petris-Short Act), and petitions to compromise minors' claims (when not part of a pending action or proceeding).

PROHIBITION (restraint of judicial action). Courts of Appeal have ORIGINAL JURISDICTION in prohibition proceedings, which may relate to either civil or criminal matters. A WRIT of prohibition is issued to restrain uncompleted judicial action—that is, lower court judgments or orders as to which the lower court is acting without or in excess of its jurisdiction and for which there is no other adequate remedy.

REFEREE. A subordinate judicial officer employed by a county to handle matters assigned by the court such as traffic law violations. (*This term appears in the California Court System chart on page xii.*)

SPECIAL PROCEEDINGS. Include WRITS of HABEAS CORPUS, MANDATE (OR MANDAMUS), PROHIBITION, and other matters.

TEMPORARY RESTRAINING ORDER. An emergency remedy of brief duration that may be issued only in exceptional circumstances and only until the trial court can hear arguments or evidence, as the circumstances require, on the subject of the controversy and otherwise determine what relief is appropriate. A temporary restraining order (commonly referred to as a TRO) is issued to prohibit the acts complained of, pending a hearing on whether the PLAINTIFF is entitled to a preliminary INJUNCTION.

“THREE STRIKES” LAW. Effective since March 1994, this law doubles the base sentence for any new FELONY conviction if a DEFENDANT already has one prior serious or violent felony conviction; imposes a minimum sentence of 25-years-to-life in state prison for any felony conviction when a defendant has two or more prior serious or violent felony convictions; and requires defendants convicted under it to serve 80 percent of their time before release (instead of 50 percent as required for most other convicted offenders).

TORT. A private or civil wrong or injury other than a breach of contract for which the law provides an action for DAMAGES as a remedy.

WRIT. Includes writs of HABEAS CORPUS, MANDATE (OR MANDAMUS), and PROHIBITION.

Courts of Appeal Glossary*

The Courts of Appeal are California's intermediate courts of review. Under the California Constitution and other law, a decision of a superior court may be appealed to the Courts of Appeal, except in death penalty cases, which are appealed directly to the California Supreme Court. There are six appellate districts in California with nine court sites and 18 divisions.

Words set in SMALL CAPS are defined elsewhere in the glossary.

APPEAL. A proceeding for direct review of a judgment or appealable order of a trial court. Excludes collateral review by means of a WRIT or an ORIGINAL PROCEEDING. *See also* CIVIL APPEAL; CRIMINAL APPEAL.

APPELLANT. The party who takes an APPEAL from one court or jurisdiction to another—counterpart to RESPONDENT. A party's status as appellant or respondent does not necessarily bear any relation to his or her status as PLAINTIFF or DEFENDANT in the lower court. (*See Municipal Courts Glossary and/or Superior Courts Glossary for definitions of plaintiff and defendant.*)

APPELLATE DISTRICT. Composed of one or more counties as defined by statute; all cases arising out of the trial courts in those counties may be appealed only to the designated appellate district. Some appellate districts (First, Second, and Fourth) are further divided into DIVISIONS. The appellate districts that do not have divisions use rotating three-justice panels.

APPELLATE JURISDICTION. The power vested in an appellate court to review and revise the judicial action of a trial court. This is distinguished from ORIGINAL JURISDICTION.

AUTHORIZED JUSTICES. The appellate justices provided for by statute. The *actual* number of appellate justices at any given time is usually different from the number of *authorized* justices. The actual number of available justices is often less than the number of authorized justices because of temporary vacancies—resulting from retirement or elevation of a justice as well as delay in filling judicial positions. The actual number of available justices is sometimes higher than the number of authorized justices because of assistance provided by retired judicial officers or trial court judges.

BRIEF (APPELLATE). Written arguments by counsel filed with the appellate court setting forth the legal arguments in support of the party's claim that the lower court's decision should be reversed or affirmed.

CERTIORARI (review of judicial action). A review proceeding filed with an appellate court asking for re-examination of an action of a lower court. This WRIT is rarely seen under California procedure because other writ proceedings are used in its stead.

**The definitions provided in this glossary are intended only to provide context and a general understanding of the information contained in this publication. These definitions are not to be relied on as legal authority or cited as authoritative.*

CIVIL APPEAL. An APPEAL concerning a case that is neither a criminal nor a juvenile proceeding. *Note: Juvenile proceedings may involve either delinquency or dependency matters (see Superior Courts Glossary).*

CRIMINAL APPEAL. An APPEAL from the judgment or order in a case charging a violation of CRIMINAL LAW.

CRIMINAL LAW. Substantive criminal law declares what conduct is criminal, prescribes the punishment to be imposed for such conduct, and includes the definitions of specific offenses. *Note: Criminal law is codified in many statutes found in the Penal Code, the Vehicle Code, and the Health and Safety Code.*

DISPOSITION. Termination of an APPEAL or ORIGINAL PROCEEDING. Court of Appeal dispositions are either by written OPINION or without an opinion with or without a RECORD FILED.

DIVISIONS. Permanent groups of three or four justices each within an APPELLATE DISTRICT, led by a presiding justice, that consider WRITS and APPEALS as panels of three justices.

DUE PROCESS. The constitutional guarantee of due process of law has two primary aspects. (1) *Procedural* due process requires that legal proceedings be carried out regularly and in accordance with established rules and principles. The central meaning of procedural due process is that parties whose rights may be affected are entitled to reasonable notice and the opportunity to be heard and to present any claim or defense. (2) *Substantive* due process refers to the requirement that laws not be fashioned in a manner that results in the unfair, arbitrary, or unreasonable treatment of an individual.

FULLY BRIEFED. A PENDING APPEAL in which all necessary BRIEFS have been filed.

HABEAS CORPUS (challenging confinement). Procedure for challenging either the conditions under which a person is confined or the legality of the confinement; in the latter situation, the underlying criminal conviction is challenged on the basis of facts outside the trial record. The superior courts, Courts of Appeal, and Supreme Court all have ORIGINAL JURISDICTION in habeas corpus proceedings, as in other WRIT matters.

If habeas corpus relief is denied in the superior court, a petitioner may file an original habeas corpus petition in the Court of Appeal. If the Court of Appeal denies relief, the petitioner has two options: filing an original petition with the Supreme Court or filing a petition for discretionary review of the Court of Appeal's denial of relief (as may be filed from any Court of Appeal decision on appeal to the Supreme Court).

MANDATE or MANDAMUS (compulsion of duty). Mandamus (Latin) means "we command." A WRIT of mandate (mandamus)—which may relate to either civil or criminal matters—issued from a court of competent jurisdiction, requires a lower court, corporation, board, or person to perform a duty imposed by law.

MEDIAN TIME. In a listing or graph depiction where time values are placed in order from shortest to longest, the value with half the cases above and half the cases below.

NINETIETH (90th) PERCENTILE TIME. In a listing or graph depiction where time values are placed in order from shortest to longest, the value with 10 percent of the cases above and 90 percent below.

NOTICE OF APPEAL. The document filed in a trial court that begins an APPEAL.

OPINION. The written decision, with reasons stated, of the Court of Appeal that determines a cause.

ORIGINAL JURISDICTION. Jurisdiction (i.e., authority) in the first instance to take and decide a cause. This is distinguished from APPELLATE JURISDICTION.

ORIGINAL PROCEEDING. A case commenced in an appellate court, commonly called a WRIT proceeding. The most common of such proceedings are for writs of MANDAMUS and PROHIBITION, usually seeking an order addressed to a lower court, and writs of HABEAS CORPUS, usually addressed to a person holding another in official custody. The term *original proceeding* is used by appellate courts to differentiate writs from APPEALS.

PENDING APPEAL. An APPEAL awaiting decision.

PROHIBITION (restraint of judicial action). Courts of Appeal have ORIGINAL JURISDICTION in prohibition proceedings, which may relate to either civil or criminal matters. A WRIT of prohibition is issued to restrain uncompleted judicial action—that is, lower court judgments or orders as to which the lower court is acting without or in excess of its jurisdiction and for which there is no other adequate remedy.

RECORD FILED. The filing of the trial court clerk's transcript (copies of documents, exhibits, and orders filed in the case) and the reporter's transcript (typed record of testimony at trial).

RECORD OF APPEAL. Certified trial court record. Trial court record certification involves the completion and correction of the trial transcript—typically a lengthy process.

RESPONDENT. The party in a case against whom an APPEAL is taken—counterpart to APPELLANT. A party's status as appellant or respondent does not necessarily bear any relation to his or her status as PLAINTIFF or DEFENDANT in the lower court. (See

Municipal Courts Glossary and/or Superior Courts Glossary for definitions of plaintiff and defendant.)

"THREE STRIKES" LAW. See *Superior Courts Glossary*.

WRIT. Includes writs of CERTIORARI, HABEAS CORPUS, MANDATE (OR MANDAMUS), and PROHIBITION.

California Supreme Court Glossary*

The California Supreme Court is the state's highest court. Decisions signed by a majority of the Supreme Court justices are binding on all other California state courts.

Words set in SMALL CAPS are defined elsewhere in the glossary.

APPEAL. A proceeding for direct review of a judgment or appealable order of a trial court. Excludes collateral review by means of a WRIT or an ORIGINAL PROCEEDING. *See also* CIVIL APPEAL; CRIMINAL APPEAL.

APPELLATE JURISDICTION. The power vested in an appellate court to review and revise the judicial action of a trial court. This is distinguished from ORIGINAL JURISDICTION.

ATTORNEY DISCIPLINARY PROCEEDINGS. These proceedings concern possible suspension, disbarment, and public or private reproof of attorneys for alleged violations of law or rules of professional conduct. Recommendations of the State Bar Court are reviewed by the Supreme Court as a matter of course.

BRIEF (APPELLATE). Written arguments by counsel filed with the appellate court setting forth the legal arguments in support of the party's claim that the lower court's decision should be reversed or affirmed.

CALENDAR MEMORANDUM. This internal court document, prepared and circulated by the Supreme Court justice to whom a case has been assigned, sets forth the facts and analyzes the legal issues in the case and makes a recommendation concerning the disposition of the case.

CERTIORARI (review of judicial action). A review proceeding filed with an appellate court asking for re-examination of an action of a lower court. This WRIT is rarely seen under California procedure because other writ proceedings are used in its stead.

CIVIL APPEAL. An APPEAL concerning a case that is neither a criminal nor a juvenile proceeding. *Note: Juvenile proceedings may involve either delinquency or dependency matters (see Superior Courts Glossary).*

Civil appeals heard by the Supreme Court raise issues in diverse areas of law, such as torts, insurance coverage, civil rights, environmental, domestic relations, and PROBATE. (*See Superior Courts Glossary for definition of probate.*)

CONFERENCE MEMORANDUM. This internal court memorandum is prepared by staff to assist the justices in determining whether to grant review in a particular case. It summarizes the relevant procedural and evidentiary facts of a case, the pertinent rulings in the matter by lower courts or administrative agencies, and the issues raised by the parties. This memorandum also makes a recommendation to the court about whether review is appropriate under the relevant standards.

CRIMINAL APPEAL. An APPEAL related to a case charging the violation of CRIMINAL LAW.

**The definitions provided in this glossary are intended only to provide context and a general understanding of the information contained in this publication. These definitions are not to be relied on as legal authority or cited as authoritative.*

CRIMINAL LAW. Substantive criminal law declares what conduct is criminal, prescribes the punishment to be imposed for such conduct, and includes the definitions of specific offenses. *Note: Criminal law is codified in many statutes found in the Penal Code, the Health and Safety Code, and the Vehicle Code.*

DAMAGES. A sum of money that may be recovered in the courts by any person who has suffered loss, detriment, or injury—whether to his or her person, property, or rights—through another person’s unlawful act, omission, or negligence.

DUE PROCESS. The constitutional guarantee of due process of law has two primary aspects. (1) *Procedural* due process requires that legal proceedings be carried out regularly and in accordance with established rules and principles. The central meaning of procedural due process is that parties whose rights may be affected are entitled to reasonable notice and the opportunity to be heard and to present any claim or defense. (2) *Substantive* due process refers to the requirement that laws not be fashioned in a manner that results in the unfair, arbitrary, or unreasonable treatment of an individual.

HABEAS CORPUS (challenging confinement). Procedure for challenging either the conditions under which a person is confined or the legality of the confinement; in the latter situation, the underlying criminal conviction may be challenged on the basis of facts outside the trial record. In the Supreme Court, there are three categories of filings related to habeas corpus proceedings: (1) original petitions for relief in noncapital matters, (2) filings related to death penalty appeals, and (3) petitions for review of habeas corpus matters decided in the Courts of Appeal.

The superior courts, Courts of Appeal, and Supreme Court all have ORIGINAL JURISDICTION in habeas corpus proceedings, as in other WRIT matters. If habeas corpus relief is denied in the superior

court, a petitioner may file an original habeas corpus petition in the Court of Appeal. If the Court of Appeal denies relief, the petitioner has two options: filing an original petition with the Supreme Court or filing a petition for discretionary review of the Court of Appeal’s denial of relief (as may be filed from any Court of Appeal decision on appeal to the Supreme Court).

MANDATE or **MANDAMUS** (compulsion of duty). Mandamus (Latin) means “we command.” A WRIT of mandate (mandamus)—which may relate to either civil or criminal matters—issued from a court of competent jurisdiction, requires a lower court, corporation, board, or person to perform a duty imposed by law.

NOTICE OF FORTHCOMING FILING. When the deliberation and drafting process is complete and all justices have subscribed to the majority opinion or circulated timely concurring or dissenting opinions, a Notice of Forthcoming Filing is posted in the Supreme Court’s Clerk’s Office. For the convenience of the litigants, the public, and the press, decisions are normally filed at two set times each week—Mondays and Thursdays at 10 a.m. At those times, the decisions are sent to the Clerk’s Office, stamped “filed,” and made public.

OPINION. The written decision, with reasons stated, of the Supreme Court that determines a cause.

ORAL ARGUMENT. The oral presentation by the parties’ counsel expanding on the written BRIEFS. The members of the court also have the opportunity to question counsel.

ORIGINAL JURISDICTION. Jurisdiction (i.e., authority) in the first instance to take and decide a cause. This is distinguished from APPELLATE JURISDICTION.

ORIGINAL PROCEEDING. A petition for a WRIT within the Supreme Court's ORIGINAL JURISDICTION. The most common types of such proceedings are for writs of MANDATE (OR MANDAMUS), PROHIBITION, and HABEAS CORPUS.

PETITION FOR REVIEW. A petition filed with the Supreme Court requesting that the court exercise its discretion to grant review of a Court of Appeal decision. If review is denied, the judgment of the Court of Appeal becomes final. If review is granted, the matter is briefed and argued, and the Supreme Court issues a written OPINION affirming, reversing, or modifying the judgment of the Court of Appeal.

PETITIONER. The party who seeks review in the Supreme Court—counterpart to RESPONDENT. A party's status as petitioner or respondent does not necessarily bear any relation to his or her status as PLAINTIFF OR DEFENDANT in the lower court. (See *Municipal Courts Glossary and/or Superior Courts Glossary for definitions of plaintiff and defendant.*)

PRECEDENT. A case establishing a rule or principle that is used to decide subsequent cases.

PROBATE. See *Superior Courts Glossary*.

PROHIBITION (restraint of judicial action). One of the WRIT petitions within the Supreme Court's ORIGINAL JURISDICTION, which may relate to either civil or criminal matters. A writ of prohibition is issued to restrain uncompleted judicial action—that is, lower court judgments or orders as to which the lower court is acting without or in excess of its jurisdiction and for which there is no other adequate remedy.

RECORD CERTIFICATION. The trial court's verification that the trial record is complete and correct for purposes of appeal.

RESPONDENT. The party against whom an appeal is taken—counterpart to PETITIONER. A party's status as petitioner or respondent does not necessarily bear any relation to his or her status as PLAINTIFF OR DEFENDANT in the lower court. (See *Municipal Courts Glossary and/or Superior Courts Glossary for definitions of plaintiff and defendant.*)

"THREE STRIKES" LAW. See *Superior Courts Glossary*.

TORT. A private or civil wrong or injury other than a breach of contract for which the law provides an action for DAMAGES as a remedy.

WRIT. An order issued from a court requiring the performance of a specified act or authorizing the execution of an act. See CERTIORARI; HABEAS CORPUS; MANDATE (OR MANDAMUS); PROHIBITION. ■